

1 Bill No. X-96-01-06

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3
4 ANNEXATION ORDINANCE NO. X- 01-96

5
6
7 AN ORDINANCE annexing certain territory West of
8 Smith Road in the City of Fort Wayne.

9
10 WHEREAS, a petition for voluntary annexation has been filed with the
11 Common Council; and

12 WHEREAS, said petition has been signed by the owners of fifty-one
13 percent (51%) of the territory sought to be annexed and by the owners of seventy-
14 five percent (75%) of the total assessed value of the territory for property tax
15 purposes; and

16 WHEREAS, said land described in the petition is located outside of
17 but contiguous to the City of Fort Wayne; and

18 THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
19 THE CITY OF FORT WAYNE, INDIANA:

20 SECTION 1. That following-described territory be and the same is
21 hereby annexed to, and made a part of, the corporation of the City of Fort Wayne,
22 Indiana, to-wit:

23 Part of the Northeast, Northwest, and Southeast Quarter of
24 Section 19 and Part of the Northwest and Southwest Quarter of
25 Section 20, all in Township 30 North, Range 12 East, Allen
26 County, Indiana, described as follows:

27
28
29 Beginning at the intersection of the East right of way of Smith
30 Road and with the North line of United Refuse Co., document #
31 95-004735, prolonged Easterly to a point being on the existing
32 City limits line as established by Annexation Ordinance X-04-86
33 and as on file in the office of the City Clerk of Fort Wayne,
34 Indiana; thence Southerly along the East right of way of Smith
35 Road to the North of right way line of the Norfolk and Western

1 Railroad; thence Southwesterly along the North right of way of
2 the Norfolk and Western Railroad to the Southwest corner of
3 Paul Monroe property, document # 70-2211; thence North along
4 the west line of said property to the South line of the Northeast
5 quarter of Section 19, Township 30 North, Range 12 East;
6 thence West along the South line of the Northwest quarter to the
7 Southwest corner of United Refuse Co., document # 90-01747;
8 thence North along the West line of said property to the South
9 right of way line of Engle Road; thence Northeasterly along the
10 South right of way line of Engle Road to the West right of way of
11 Fountain Street; thence South along the West right of way of
12 Fountain Street 848.5 feet; thence East 20 feet to the centerline
13 of Junk Ditch; thence Northeasterly along the centerline of Junk
14 Ditch, also the West line of United Refuse Co., document # 89-
15 044242 and 95-004735; thence Northeasterly along the North
16 line of United Refuse Co., document # 95-004735, to the point of
17 beginning. Containing 242 acres more or less.

18
19
20 The boundaries of said territory are those outlined in the location map
21 designated "West of Smith Road Annexation," two copies of which are on file in the
22 Office of the Clerk of the City of Fort Wayne and available for public inspection as
23 required by law.

24 **SECTION 2.** That the City of Fort Wayne will furnish the above-
25 described territory within a period of one (1) year from the effective date of
26 annexation, planned services of a non-capital nature, including police protection, fire
27 protection, and street and road maintenance, in a manner which is equivalent in
28 standard and scope to those non-capital services provided to areas within the City
29 of Fort Wayne which have similar topography, patterns of land utilization and
30 population density to the said described territory. The City of Fort Wayne will also
31 provide services of a capital improvement nature, including street construction,
32 street lighting, sewer facilities, water facilities and storm water drainage facilities to

1 the annexed territory within three (3) years of the effective date of annexation, in the
2 same manner as such services are provided to areas already in the City of Fort
3 Wayne with similar topography, patterns of land utilization and population density,
4 and in a manner consistent with federal, state and local laws, procedures and
5 planning criteria.


6 **SECTION 3.** That governmental and proprietary services will be
7 provided to the above-described territory in a manner consistent with the written
8 Fiscal Plan for the territory developed by the Division of Community and Economic
9 Development. Said Plan was examined by the Common Council of the City of Fort
10 Wayne and is approved and adopted by the Common Council by way of a separate
11 Resolution adopted contemporaneously with the passage of this Ordinance.

12 **SECTION 4.** That said described territory shall be a part of
13 Councilmanic Political Ward No. 4 of the City of Fort Wayne, Indiana, as described
14 in Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort
15 Wayne, Indiana, of 1974, as amended.

16 **SECTION 5.** That, after its passage, any and all necessary approval
17 by the Mayor, due legal publication, and the required sixty (60) day remonstrance
18 period, this Ordinance shall be in full force and effect and the above-described
19 territory shall become a part of the City of Fort Wayne.

20
21 
22 **COUNCIL MEMBER**

23
24 **APPROVED AS TO FORM AND LEGALITY:**

25 
26 **J. TIMOTHY McCAULAY**
27 **City Attorney**
28

Read the first time in full and on motion by Ravine,
and duly adopted, read the second time by title and referred to the
committee on Regulations (and the City Plan Commission
or recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne,, Indiana, on _____, the _____ day of _____
_____ M., E.S.T.

DATED: 1-9-96 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine,
and duly adopted, placed on its passage. PASSED ~~LOST~~
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	5	4		
BENDER	✓			
CRAWFORD	✓			
EDMONDS		✓		
HALL		✓		
HAYHURST		✓		
HENRY	✓			
LUNSEY		✓		
RAVINE	✓			
SCHMIDT	✓			

DATED: 2-20-96 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. X-01-96
on the 20th day of February, 19 96

ATTEST: (SEAL)
Sandra E. Kennedy DD Schmidt
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 21st day of February, 19 96,
at the hour of 10:00 o'clock A M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 21st day of February,
19 96, at the hour of 3:15 o'clock P M., E.S.T.
Paul Helmke
PAUL HELMKE, MAYOR

BEFORE THE

COMMON COUNCIL OF THE CITY OF FORT WAYNE

IN RE: THE VOLUNTARY ANNEXATION OF CERTAIN
PROPERTY WEST OF SMITH ROAD INTO THE CITY OF
FORT WAYNE.

The undersigned, pursuant to I.C. § 36-4-3-5, hereby petitions the Common Council of the City of Fort Wayne for the voluntary annexation of that real estate, as more particularly described on Exhibit A attached hereto. In support of this petition, the undersigned represents:

1. That all of the land described on Exhibit A which is the property sought to be annexed is contiguous to the City of Fort Wayne.
2. That the undersigned voluntary annexing property owners are the owners of more than fifty-one percent (51%) of the land in the territory sought to be annexed as described on Exhibit A.
3. That all of the land of the voluntary annexing property owners represents seventy-five percent (75%) of the total assessed valuation of all of the land sought to be voluntarily annexed for property tax purposes.
4. That the undersigned requests the Common Council for the City of Fort Wayne to adopt an ordinance annexing the property described on Exhibit A, with such voluntary annexation to be effective upon passage by the Common Council, any and all approval by the Mayor, due legal publication, and after the full 60-day remonstrance period.

DATED: 1-8-96

UNITED REFUSE CO., INC.

BY: 

G. MICHAEL SHANNON
Authorized Agent

ALSO BY:

HALLER & COLVIN, P.C.
ATTORNEYS FOR UNITED REFUSE CO., INC.
444 EAST MAIN STREET
FORT WAYNE, INDIANA 46802
TELEPHONE: (219) 426-0444

BY: 

MARK E. GiaQUINTA
Attorney & Authorized Agent

TRACT 1

DESCRIPTION

Part of the Southeast Quarter of Section 19, in Township 30 North, Range 12 East, Allen County, Indiana, described as follows to-wit:

Commence at the Southwest corner of the Southeast Quarter of said Section 19, Township 30 North, Range 12 East, at an iron rod found; thence North 02 degrees 44 minutes 01 seconds West along the West line of the Southeast Quarter of said section (assumed bearing and basis for this description), a distance of 856.56 feet measured to a iron rod found on the West line of the Southeast Quarter of said section and at the North right-of-way of Norfolk and Western and said point also being the POINT OF BEGINNING: thence North 02 degrees 44 minutes 01 seconds West, for a distance of 1735.03 feet measured to an iron rod found capped 890028; thence South 89 degrees 11 minutes 31 seconds West, for a distance of 612.42 feet measured to a 3/4 inch pipe found (document # 90-01747); thence North 01 degree 00 minutes 42 seconds West, for a distance of 2048.46 feet measured, (2048.60 feet recorded) to an iron rod found (document # 90-01747); thence along the south right-of-way of Engle Road for the following courses:

North 73 degrees 12 minutes 16 seconds East, for a distance of 273.09 feet calculated & record: north 76 degrees 02 minutes 12 seconds East, for a distance of 1420.00 feet calculated & record: North 76 degrees 06 minutes 45 seconds East, for a distance of 54.91 feet measured (55.07 record) to a 1 inch square rod found to the point of curvature of a curve to the right having a radius of 4826.61 feet and a chord bearing of North 77 degrees 24 minutes 37 seconds East and a chord distance of 20.89 feet measured (21.07 record); thence along said curve 20.89 feet to a 3/4 inch pipe found at the south right-of-way of Engle Road and the centerline of Fountain Street; thence South 00 degrees 32 minutes 37 seconds East, along the centerline of Fountain Street for a distance of 852.93 feet to a point at the intersection of said centerline and the centerline of Junk ditch; thence along the centerline of Junk ditch for the following courses:

South 00 degrees 51 minutes 10 seconds East for a distance of 1610.54 feet; South 00 degrees 51 minutes 12 seconds East for a distance of 974.82 feet; South 00 degrees 46 minutes 31 seconds East for a distance of 139.94 feet; South 13 degrees 36 minutes 10 seconds East for a distance of 180.30 feet; thence South 66 degrees 51 minutes 06 seconds West, along the North right of way of said railroad for a distance of 1166.71 feet to the point of beginning, containing 126.42 acres more or less. Subject to all legal easements of record.

Subject to legal right-of-way for an open ditch or drain known as the Junk Ditch 75 feet from the top of the bank in accordance with Article 6, Section 601 of the Indiana Drainage Code, and a 50 foot Indiana and Michigan Power easement, and Fountain Street 20 foot easement on each side of centerline.

TRACT 2

DESCRIPTION

Part of the Northeast Quarter of Section 19 and part of the Northwest Quarter of Section 20, all in Township 30 North, Range 12 East, Allen County, Indiana, described as follows, to-wit:

Commence at the Northeast corner of said Section 19, Township 30 North, Range 12 East, at an iron rod found at the intersection of the Engle Road and Smith Road as established by the Allen County Highway Department Plans for said Engle Road: thence South 21 degrees 37 minutes 01 seconds East (assumed bearing and basis for this description), a distance of 260.10 feet measured & record to a PK nail found in the centerline of the Smith Road and said point also being the POINT OF BEGINNING: thence continuing South 21 degrees 37 minutes 01 seconds East, a distance of 43.31 measured (43.5 record) feet to a 5/8 inch rebar found; thence South 02 degrees 02 minutes 01 seconds East along the centerline of Smith Road, a distance of 506.26 feet measured (506.50 feet Document No. 89-001574) to a P.K. nail found; thence continuing along the centerline of Smith Road South 01 degrees 35 minutes 57 seconds East for a distance of 1845.40 feet to a PK nail set; thence continuing along the centerline of Smith Road South 00 degrees 14 minutes 51 seconds West 663.44 feet to a PK nail set on the North right of way of Norfolk and Western Railroad; thence South 66 degrees 51 minutes 06 seconds West, along the North right of way of said railroad, for distance of 18.47 to a point on the East line of the Southeast quarter of said section 19; thence continuing South 66 degrees 51 minutes 06 seconds West, along the North right of way of said railroad for a distance of 1631.74 feet to the centerline of Junk ditch; thence along the centerline of Junk ditch for the following courses:

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Subject to the Smith Road upon and over the Easterly 25 feet thereof, a legal right-of-way for an open ditch or drain known as the Junk Ditch 75 feet from the top of the bank in accordance with Article 6, Section 601 of the Indiana Drainage Code, and a 50 foot Indiana and Michigan Power easement. Also a 66 foot Northern Indiana Public Service Co. easement.

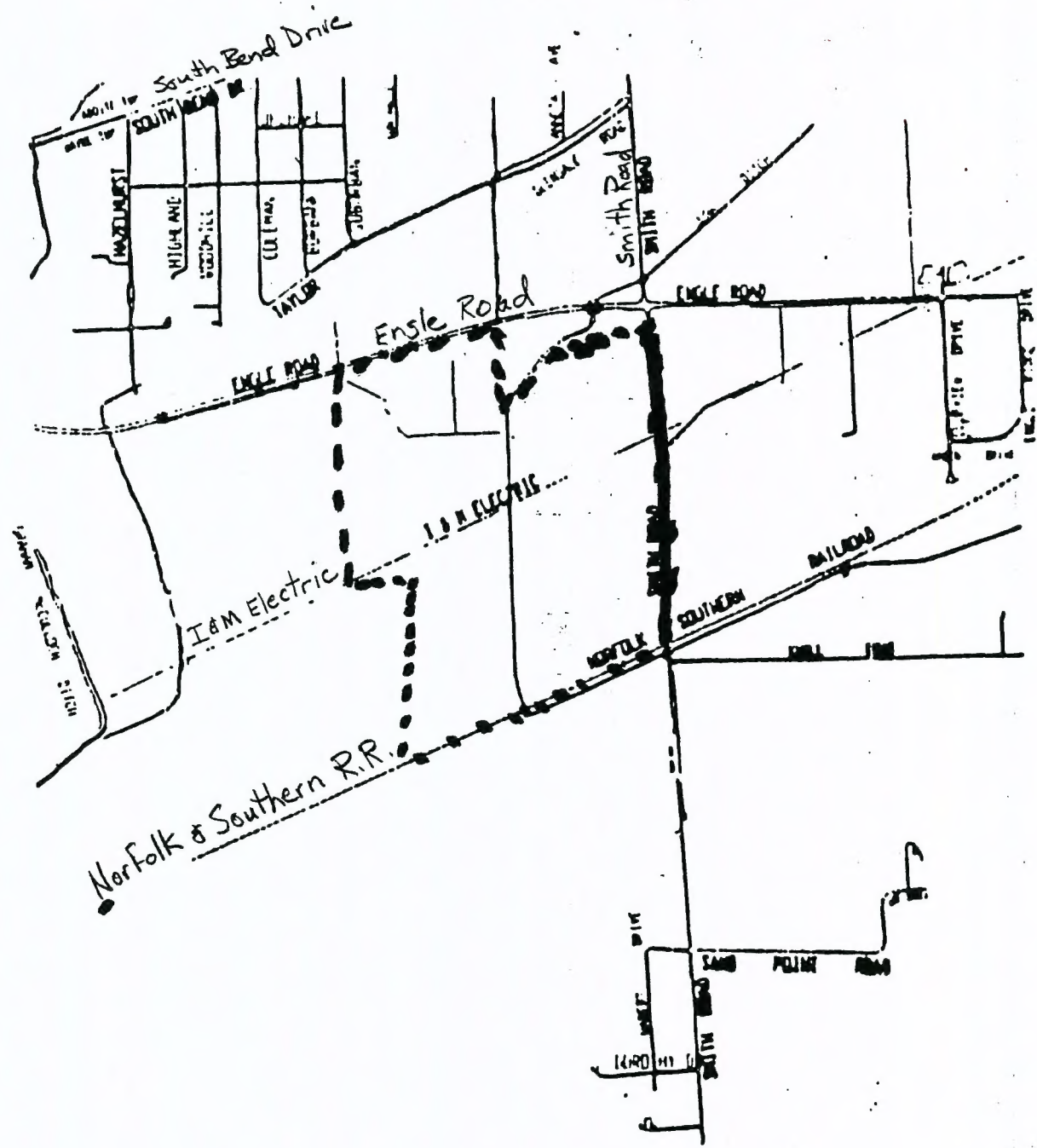
EXHIBIT "A"

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N ↑

FORT WORTH, TEX.
RECEIVED
JAN 08 1996
SANDRA E. KENNEDY
CITY CLERK



VICINITY MAP

Existing Corporate Limits

Proposed Corporate Limits

BEFORE THE

COMMON COUNCIL OF THE CITY OF FORT WAYNE

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PROPERTY WEST OF SMITH ROAD INTO THE CITY OF
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1. That all of the land described on Exhibit A which is the property sought to be annexed is contiguous to the City of Fort Wayne.

2. That the undersigned voluntary annexing property owners are the owners of more than fifty-one percent (51%) of the land in the territory sought to be annexed as described on Exhibit A.

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DATED: 1-8-96

UNITED REFUSE CO., INC.

BY: 

G. MICHAEL SHANNON
Authorized Agent

ALSO BY:

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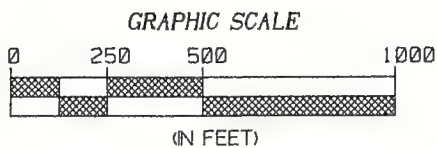
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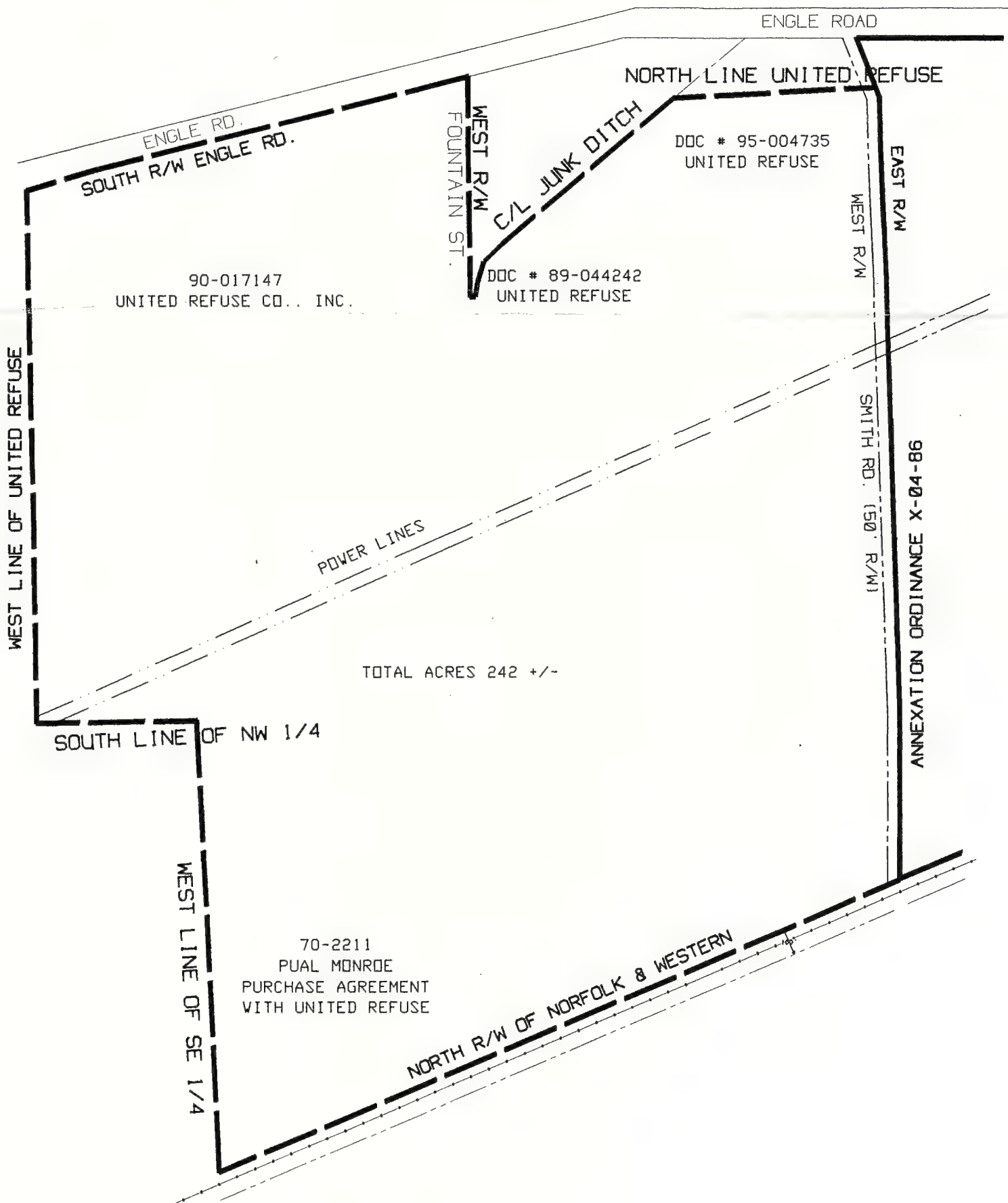
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SCALE 1"=500'



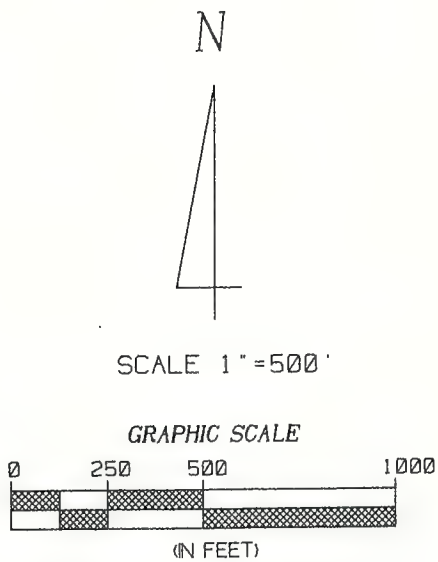
CLIENT: UNITED REFUSE	
PROJECT NO.:	
FILE NO.: ANNEXATION	
FIELD BOOK:	PAGE:
DOCUMENT NO.:	



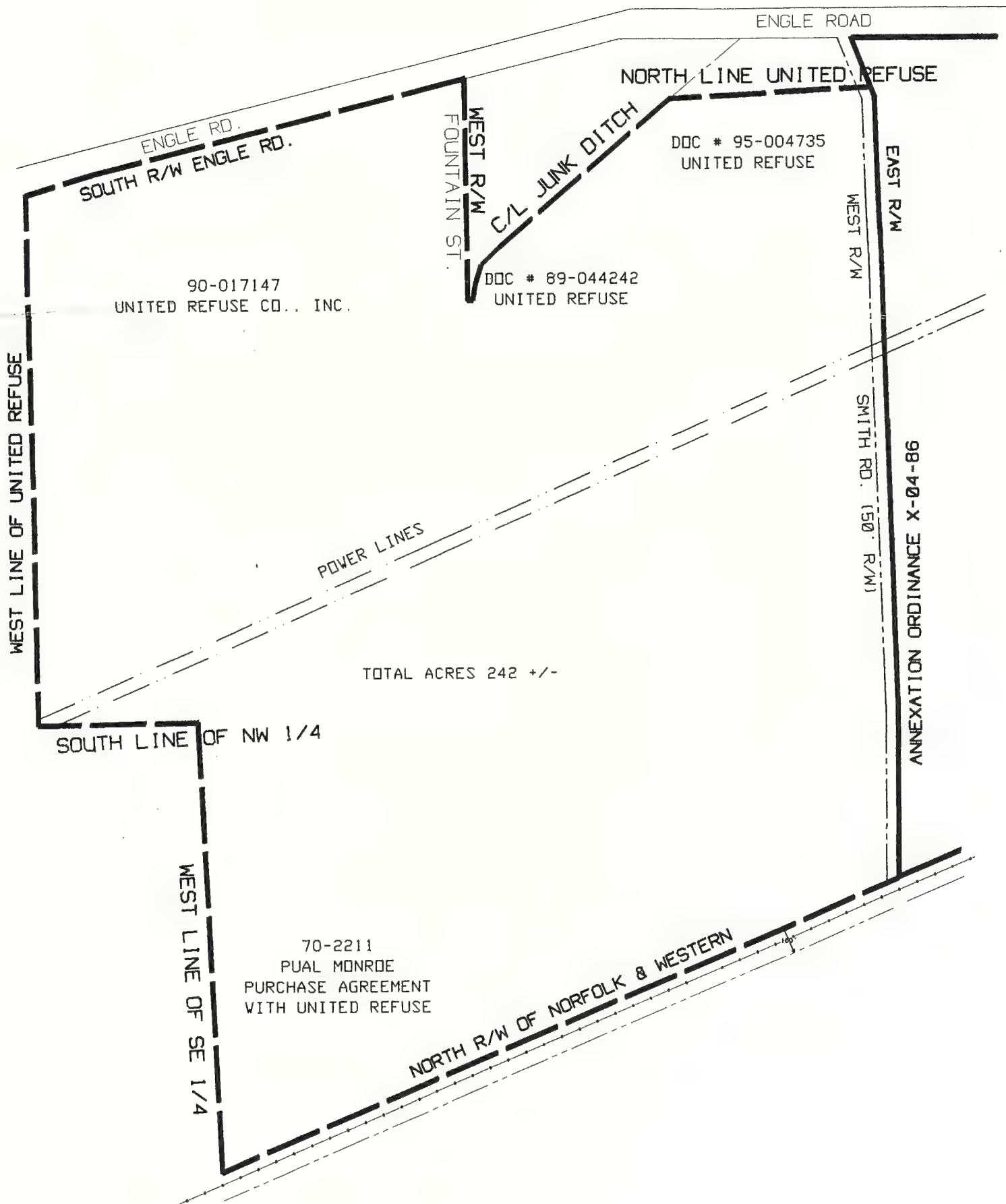
NOTE:
ALL MONUMENTS SET THIS SURVEY
AND NOTED I.P.S. ARE 5/8" RE-BAR
24 INCHES LONG
WITH PLASTIC CAPS MARKED: (DORJOT 8800028)

ALL DISTANCES ASSUMED TO BE MEASURED
UNLESS NOTED AS FOLLOWS:
R. OR REC. = RECORDED
M. OR MEAS. = MEASURED
C. OR CALC. = CALCULATED
ALL MONUMENTS SET THIS SURVEY ARE FLUSH
WITH GROUND UNLESS NOTED OTHERWISE.
NO DATA INTENTIONALLY EXCLUDED

LS&C LEGEND			
IRON PIN FOUND	IRON PIN SET	IRON PIPE FOUND	IRON PIPE SET
DRILL HOLE	HARRISON MARKER	CONCRETE R/W MARKER	
GAS VALVE	CURB INLET	CATCH BASIN	DRAINAGE AH
SEWER AH	WATER VALVE		
R.R. SPIKE FOUND	R.R. SPIKE SET	P.K. NAIL FOUND	P.K. NAIL SET
GAS METER	ELECTRIC BOX	POWER POLE	LIGHT POLE



CLIENT: UNITED REFUSE	
PROJECT NO.:	
FILE NO.: ANNEXATION	
FIELD BOOK:	PAGE:
DOCUMENT NO.:	



LAND SURVEYING AND
CONSULTING, CORP.

LS&C

9011 FRONT ST. FORT WAYNE, IN. 46818
(219) 489-1528

NOTE:
ALL MONUMENTS SET THIS SURVEY
AND NOTED I.P.S. ARE 5/8" RE-BAR
24 INCHES LONG
WITH PLASTIC CAPS MARKED: DORLOT
890028

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GAS VALVE
CURB INLET
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GAS METER
ELECTRIC BOX
POWER POLE
LIGHT POLE

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P.K. NAIL FOUND
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IRON PIN FOUND
IRON PIPE FOUND
DRILL HOLE
HARRISON MARKER
CONCRETE R/W MARKER

COMMON COUNCIL OF THE CITY OF FORT WAYNE

IN RE: THE VOLUNTARY ANNEXATION OF CERTAIN
PROPERTY WEST OF SMITH ROAD INTO THE CITY OF
FORT WAYNE.

The undersigned, pursuant to I.C. § 36-4-3-5, hereby petitions the Common Council of the City of Fort Wayne for the voluntary annexation of that real estate, as more particularly described on Exhibit A attached hereto. In support of this petition, the undersigned represents:

1. That all of the land described on Exhibit A which is the property sought to be annexed is contiguous to the City of Fort Wayne.
2. That the undersigned voluntary annexing property owners are the owners of more than fifty-one percent (51%) of the land in the territory sought to be annexed as described on Exhibit A.
3. That all of the land of the voluntary annexing property owners represents seventy-five percent (75%) of the total assessed valuation of all of the land sought to be voluntarily annexed for property tax purposes.
4. That the undersigned requests the Common Council for the City of Fort Wayne to adopt an ordinance annexing the property described on Exhibit A, with such voluntary annexation to be effective upon passage by the Common Council, any and all approval by the Mayor, due legal publication, and after the full 60-day remonstrance period.

DATED: 1/8/96

UNITED REFUSE CO., INC.

BY: 

G. MICHAEL SHANNON
Authorized Agent

ALSO BY:

HALLER & COLVIN, P.C.
ATTORNEYS FOR UNITED REFUSE CO., INC.
444 EAST MAIN STREET
FORT WAYNE, INDIANA 46802
TELEPHONE: (219) 426-0444

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MARK E. GUINTA
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BEFORE THE

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Authorized Agent

ALSO BY:

HALLER & COLVIN, P.C.
ATTORNEYS FOR UNITED REFUSE CO., INC.
444 EAST MAIN STREET
FORT WAYNE, INDIANA 46802
TELEPHONE: (219) 426-0444

BY: 

MARK E. GIAQUINTA
Attorney & Authorized Agent

BEFORE THE

COMMON COUNCIL OF THE CITY OF FORT WAYNE

IN RE: THE VOLUNTARY ANNEXATION OF CERTAIN
PROPERTY WEST OF SMITH ROAD INTO THE CITY OF
FORT WAYNE.

The undersigned, pursuant to I.C. § 36-4-3-5, hereby petitions the Common Council of the City of Fort Wayne for the voluntary annexation of that real estate, as more particularly described on Exhibit A attached hereto. In support of this petition, the undersigned represents:

1. That all of the land described on Exhibit A which is the property sought to be annexed is contiguous to the City of Fort Wayne.
2. That the undersigned voluntary annexing property owners are the owners of more than fifty-one percent (51%) of the land in the territory sought to be annexed as described on Exhibit A.
3. That all of the land of the voluntary annexing property owners represents seventy-five percent (75%) of the total assessed valuation of all of the land sought to be voluntarily annexed for property tax purposes.
4. That the undersigned requests the Common Council for the City of Fort Wayne to adopt an ordinance annexing the property described on Exhibit A, with such voluntary annexation to be effective upon passage by the Common Council, any and all approval by the Mayor, due legal publication, and after the full 60-day remonstrance period.

DATED: 1/8/96

UNITED REFUSE CO., INC.

BY: 

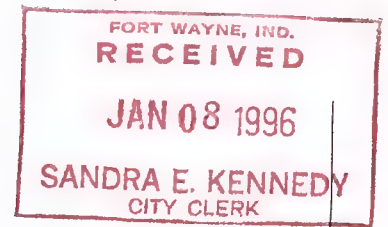
G. MICHAEL SHANNON
Authorized Agent

ALSO BY:

HALLER & COLVIN, P.C.
ATTORNEYS FOR UNITED REFUSE CO., INC.
444 EAST MAIN STREET
FORT WAYNE, INDIANA 46802
TELEPHONE: (219) 426-0444

BY: 

MARK E. GIAQUINTA
Attorney & Authorized Agent



Bill No. X-96-01-06

ANNEXATION ORDINANCE NO. X-

AN ORDINANCE annexing certain territory West of Smith Road in the City of Fort Wayne.

WHEREAS, a petition for voluntary annexation has been filed with the Common Council; and

WHEREAS, said petition has been signed by the owners of fifty-one percent (51%) of the territory sought to be annexed and by the owners of seventy-five percent (75%) of the total assessed value of the territory for property tax purposes; and

WHEREAS, said land described in the petition is located outside of but contiguous to the City of Fort Wayne; and

**THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF FORT WAYNE, INDIANA;**

SECTION 1. That following-described territory be and the same is hereby annexed to, and made a part of, the corporation of the City of Fort Wayne, Indiana, to-wit:

TRACT 1 DESCRIPTION

Part of the Southeast Quarter of Section 19, in Township 30 North,
Range 12 East, Allen County, Indiana, described as follows to-wit:

Commence at the Southwest corner of the Southeast Quarter of said Section 19, Township 30 North, Range 12 East, at an iron rod found; thence North 02 degrees 44 minutes 01 seconds West along the West line of the Southeast Quarter of said section (assumed bearing and basis for this description), a distance of 856.56 feet measured to a iron rod found on the West line of the Southeast Quarter of said section and at the North right-of-way of Norfolk and Western and said point also being the POINT OF BEGINNING: thence North 02 degrees 44 minutes 01 seconds West, for a distance of 1735.03 feet measured to an iron rod found capped 890028; thence South 89 degrees 11 minutes 31 seconds West, for a distance of 612.42 feet measured to a 3/4 inch pipe found (document # 90-01747); thence North 01 degree 00 minutes 42 seconds West, for a distance of 2048.46 feet measured, (2048.60 feet recorded)

1 to an iron rod found (document # 90-01747); thence along the south
2 right-of-way of Engle Road for the following courses:

3
4 North 73 degrees 12 minutes 16 seconds East, for a distance of 273.09
5 feet calculated & record: north 76 degrees 02 minutes 12 seconds East,
6 for a distance of 1420.00 feet calculated & record: North 76 degrees 06
7 minutes 45 seconds East, for a distance of 54.91 feet measured (55.07
8 record) to a 1 inch square rod found to the point of curvature of a curve
9 to the right having a radius of 4826.61 feet and a chord bearing of North
10 77 degrees 24 minutes 37 seconds East and a chord distance of 20.89
11 feet measured (21.07 record); thence along said curve 20.89 feet to a 3/4
12 inch pipe found at the south right-of-way of Engle Road and the
13 centerline of Fountain Street; thence South 00 degrees 32 minutes 37
14 seconds East, along the centerline of Fountain Street for a distance of
15 852.93 feet to a point at the intersection of said centerline and the
16 centerline of Junk ditch; thence along the centerline of Junk ditch for the
17 following courses:

18
19 South 00 degrees 51 minutes 10 seconds East for a distance of 1610.54
20 feet; South 00 degrees 51 minutes 12 seconds East for a distance of
21 974.82 feet; South 00 degrees 46 minutes 31 seconds East for a distance
22 of 139.94 feet; South 13 degrees 36 minutes 10 seconds East for a
23 distance of 180.30 feet; thence South 66 degrees 51 minutes 06 seconds
24 West, along the North right of way of said railroad for a distance of
25 1166.71 feet to the point of beginning, containing 126.42 acres more or
26 less. Subject to all legal easements of record.

27
28 Subject to legal right-of-way for an open ditch or drain known as the
29 Junk Ditch 75 feet from the top of the bank in accordance with Article
30 6, Section 601 of the Indiana Drainage Code, and a 50 foot Indiana and
31 Michigan Power easement, and Fountain Street 20 foot easement on
32 each side of centerline.

33
34 **TRACT 2**
35 **DESCRIPTION**

36
37 Part of the Northeast Quarter of Section 19 and part of the Northwest
38 Quarter of Section 20, all in Township 30 North, Range 12 East, Allen
39 County, Indiana, described as follows, to-wit:

40
41 Commence at the Northeast corner of said Section 19, Township 30
42 North, Range 12 East, at an iron rod found at the intersection of the
43 Engle Road and Smith Road as established by the Allen County Highway
44 Department Plans for said Engle Road: thence South 21 degrees 37
45 minutes 01 seconds East (assumed bearing and basis for this description),
46 a distance of 260.10 feet measured & record to a PK nail found in the

1 centerline of the Smith Road and said point also being the POINT OF
2 BEGINNING: thence continuing South 21 degrees 37 minutes 01
3 seconds East, a distance of 43.31 measured (43.5 record) feet to a 5/8
4 inch rebar found; thence South 02 degrees 02 minutes 01 seconds East
5 along the centerline of Smith Road, a distance of 506.26 feet measured
6 (506.50 feet Document No. 89-001574) to a P.K. nail found; thence
7 continuing along the centerline of Smith Road South 01 degrees
8 35 minutes 57 seconds East for a distance of 1845.40 feet to a PK nail
9 set; thence continuing along the centerline of Smith Road South 00
10 degrees 14 minutes 51 seconds West 663.44 feet to a PK nail set on the
11 North right of way of Norfolk and Western Railroad; thence South 66
12 degrees 51 minutes 06 seconds West, along the North right of way of
13 said railroad, for distance of 18.47 to a point on the East line of the
14 Southeast quarter of said section 19; thence continuing South 66 degrees
15 51 minutes 06 seconds West, along the North right of way of said
16 railroad for a distance of 1631.74 feet to the centerline of Junk ditch;
17 thence along the centerline of Junk ditch for the following courses:
18

19 North 13 degrees 36 minutes 10 seconds West for a distance of 180.30
20 feet; North 00 degrees 46 minutes 31 seconds West for a distance of
21 139.94 feet; North 00 degrees 51 minutes 12 seconds West for a
22 distance of 974.82 feet; North 00 degrees 51 minutes 10 seconds West
23 for a distance of 1610.54 feet; North 08 degrees 41 minutes 55 seconds
24 East for a distance of 59.60 feet; North 16 degrees 56 minutes 54
25 seconds East for a distance of 81.56 feet; North 46 degrees 58 minutes
26 59 seconds East for a distance of 95.00 feet; North 49 degrees 36
27 minutes 05 seconds East for a distance of 869.63 feet calc (864.00 feet
28 Document # 89-001574), to the Northwest corner of a tract of land
29 conveyed to Fiedler in Document # 89-001574; thence North 87
30 degrees 09 minutes 16 seconds East, along the North line of said tract for
31 a distance of 754.00 feet record & calculated to the point of beginning,
32 containing 109.83 acres more or less in section 19 and 4.97 acres more
33 or less in section 20 for a total of 114.80 acres more or less. Subject to
34 all legal easements of record.
35

36 Subject to the Smith Road upon and over the Easterly 25 feet thereof, a
37 legal right-of-way for an open ditch or drain known as the Junk Ditch 75
38 feet from the top of the bank in accordance with Article 6, Section 601
39 of the Indiana Drainage Code, and a 50 foot Indiana and Michigan
40 Power easement. Also a 66 foot Northern Indiana Public Service Co.
41 easement.
42

43 The boundaries of said territory are those outlined in the location map
44 designated "West of Smith Road Annexation," two copies of which are on file in the

1 Office of the Clerk of the City of Fort Wayne and available for public inspection as
2 required by law.

3 **SECTION 2.** That the City of Fort Wayne will furnish the above-
4 described territory within a period of one (1) year from the effective date of annexation,
5 planned services of a non-capital nature, including police protection, fire protection,
6 and street and road maintenance, in a manner which is equivalent in standard and
7 scope to those non-capital services provided to areas within the City of Fort Wayne
8 which have similar topography, patterns of land utilization and population density to
9 the said described territory. The City of Fort Wayne will also provide services of a
10 capital improvement nature, including street construction, street lighting, sewer
11 facilities, water facilities and storm water drainage facilities to the annexed territory
12 within three (3) years of the effective date of annexation, in the same manner as such
13 services are provided to areas already in the City of Fort Wayne with similar
14 topography, patterns of land utilization and population density, and in a manner
15 consistent with federal, state and local laws, procedures and planning criteria.

16 **SECTION 3.** That governmental and proprietary services will be
17 provided to the above-described territory in a manner consistent with the written Fiscal
18 Plan for the territory developed by the Division of Community and Economic
19 Development. Said Plan was examined by the Common Council of the City of Fort
20 Wayne and is approved and adopted by the Common Council by way of a separate
21 Resolution adopted contemporaneously with the passage of this Ordinance.

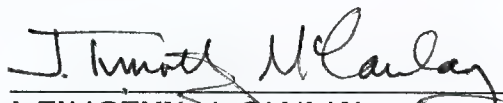
22 **SECTION 4.** That said described territory shall be a part of
23 Councilmanic Political Ward No. 4 of the City of Fort Wayne, Indiana, as described in
24 Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne,
25 Indiana, of 1974, as amended.

26 **SECTION 5.** That, after its passage, any and all necessary approval by
27 the Mayor, due legal publication, and the required sixty (60) day remonstrance period,
28 this Ordinance shall be in full force and effect and the above-described territory shall
29 become a part of the City of Fort Wayne.

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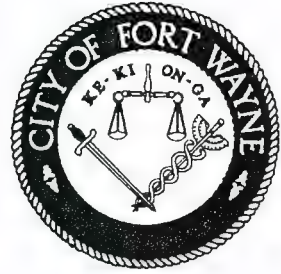
COUNCIL MEMBER

APPROVED AS TO FORM AND LEGALITY:



J. TIMOTHY McCAULAY
City Attorney

To: City Council
From: Pam Holocher
Date: February 5, 1996
Subject: United Refuse Voluntary Annexation



Attached is the fiscal plan for the *United Refuse Voluntary Annexation*. A member of the Long Range Planning staff will be on hand at the council meeting on Tuesday evening to discuss the plan and answer any questions you may have regarding annexation. Please feel free to call me at 427-1140 if you have any prior concerns.

1 Bill No. X-96-01-06

AUDITOR'S OFFICE

F I L E D

MAY - 7 1996

2
3
4 ANNEXATION ORDINANCE NO. X- 01-96

5
6
7 AN ORDINANCE annexing certain territory West of
8 Smith Road in the City of Fort Wayne.

9
10 WHEREAS, a petition for voluntary annexation has been filed with the
11 Common Council; and

12 WHEREAS, said petition has been signed by the owners of fifty-one
13 percent (51%) of the territory sought to be annexed and by the owners of seventy-
14 five percent (75%) of the total assessed value of the territory for property tax
15 purposes; and

16 WHEREAS, said land described in the petition is located outside of
17 but contiguous to the City of Fort Wayne; and

18 THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
19 THE CITY OF FORT WAYNE, INDIANA:

20 SECTION 1. That following-described territory be and the same is
21 hereby annexed to, and made a part of, the corporation of the City of Fort Wayne,
22 Indiana, to-wit:

23 Part of the Northeast, Northwest, and Southeast Quarter of
24 Section 19 and Part of the Northwest and Southwest Quarter of
25 Section 20, all in Township 30 North, Range 12 East, Allen
26 County, Indiana, described as follows:

27
28 Beginning at the intersection of the East right of way of Smith
29 Road and with the North line of United Refuse Co., document #
30 95-004735, prolonged Easterly to a point being on the existing
31 City limits line as established by Annexation Ordinance X-04-86
32 and as on file in the office of the City Clerk of Fort Wayne,
33 Indiana; thence Southerly along the East right of way of Smith
34 Road to the North of right way line of the Norfolk and Western
35

1 Railroad; thence Southwesterly along the North right of way of
2 the Norfolk and Western Railroad to the Southwest corner of
3 Paul Monroe property, document # 70-2211; thence North along
4 the west line of said property to the South line of the Northeast
5 quarter of Section 19, Township 30 North, Range 12 East;
6 thence West along the South line of the Northwest quarter to the
7 Southwest corner of United Refuse Co., document # 90-01747;
8 thence North along the West line of said property to the South
9 right of way line of Engle Road; thence Northeasterly along the
10 South right of way line of Engle Road to the West right of way of
11 Fountain Street; thence South along the West right of way of
12 Fountain Street 848.5 feet; thence East 20 feet to the centerline
13 of Junk Ditch; thence Northeasterly along the centerline of Junk
14 Ditch, also the West line of United Refuse Co., document # 89-
15 044242 and 95-004735; thence Northeasterly along the North
16 line of United Refuse Co., document # 95-004735, to the point of
17 beginning. Containing 242 acres more or less.
18
19
20

21 The boundaries of said territory are those outlined in the location map
22 designated "West of Smith Road Annexation," two copies of which are on file in the
23 Office of the Clerk of the City of Fort Wayne and available for public inspection as
24 required by law.

25 **SECTION 2.** That the City of Fort Wayne will furnish the above-
26 described territory within a period of one (1) year from the effective date of
27 annexation, planned services of a non-capital nature, including police protection, fire
28 protection, and street and road maintenance, in a manner which is equivalent in
29 standard and scope to those non-capital services provided to areas within the City
30 of Fort Wayne which have similar topography, patterns of land utilization and
31 population density to the said described territory. The City of Fort Wayne will also
32 provide services of a capital improvement nature, including street construction,
street lighting, sewer facilities, water facilities and storm water drainage facilities to

1 the annexed territory within three (3) years of the effective date of annexation, in the
2 same manner as such services are provided to areas already in the City of Fort
3 Wayne with similar topography, patterns of land utilization and population density,
4 and in a manner consistent with federal, state and local laws, procedures and
5 planning criteria.

6 **SECTION 3.** That governmental and proprietary services will be
7 provided to the above-described territory in a manner consistent with the written
8 Fiscal Plan for the territory developed by the Division of Community and Economic
9 Development. Said Plan was examined by the Common Council of the City of Fort
10 Wayne and is approved and adopted by the Common Council by way of a separate
11 Resolution adopted contemporaneously with the passage of this Ordinance.


12 **SECTION 4.** That said described territory shall be a part of
13 Councilmanic Political Ward No. 4 of the City of Fort Wayne, Indiana, as described
14 in Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort
15 Wayne, Indiana, of 1974, as amended.

16 **SECTION 5.** That, after its passage, any and all necessary approval
17 by the Mayor, due legal publication, and the required sixty (60) day remonstrance
18 period, this Ordinance shall be in full force and effect and the above-described
19 territory shall become a part of the City of Fort Wayne.

20
21 
22 **COUNCIL MEMBER**

23 Attest:

24 **APPROVED AS TO FORM AND LEGALITY:**

25 
26 **J. TIMOTHY McCAULAY**
27 **City Attorney**

28 The above and foregoing is a true and
perfect copy of Bill No. X-46-01-06
Consolidation Ordinance No. X-01-96
as the same appears and remains on
record in my office.

Witness my hand and seal this 9th

- 3 - day of May

Robert E. Kennedy
CLERK

Railroad; thence Southwesterly along the North right of way of the Norfolk and Western Railroad to the Southwest corner of Paul Monroe property, document # 70-2211; thence North along the west line of said property to the South line of the Northeast quarter of Section 19, Township 30 North, Range 12 East; thence West along the South line of the Northwest quarter to the Southwest corner of United Refuse Co., document # 90-01747; thence North along the West line of said property to the South right of way line of Engle Road; thence Northeasterly along the South right of way line of Engle Road to the West right of way of Fountain Street; thence South along the West right of way of Fountain Street 848.5 feet; thence East 20 feet to the centerline of Junk Ditch; thence Northeasterly along the centerline of Junk Ditch, also the West line of United Refuse Co., document # 89-044242 and 95-004735; thence Northeasterly along the North line of United Refuse Co., document # 95-004735, to the point of beginning. Containing 242 acres more or less.

The boundaries of said territory are those outlined in the location map designated "West of Smith Road Annexation," two copies of which are on file in the Office of the Clerk of the City of Fort Wayne and available for public inspection as required by law.

SECTION 2. That the City of Fort Wayne will furnish the above-described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection, fire protection, and street and road maintenance, in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City of Fort Wayne which have similar topography, patterns of land utilization and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and storm water drainage facilities to

same manner as such services are provided to areas already in the City of Fort Wayne with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. That governmental and proprietary services will be provided to the above-described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Division of Community and Economic Development. Said Plan was examined by the Common Council of the City of Fort Wayne and is approved and adopted by the Common Council by way of a separate Resolution adopted contemporaneously with the passage of this Ordinance.

SECTION 4. That said described territory shall be a part of Councilmanic Political Ward No. 4 of the City of Fort Wayne, Indiana, as described in Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended.

SECTION 5. That, after its passage, any and all necessary approval by the Mayor, due legal publication, and the required sixty (60) day remonstrance period, this Ordinance shall be in full force and effect and the above-described territory shall become a part of the City of Fort Wayne.



COUNCIL MEMBER
REBECCA J. RAVINE

Read the third time in full and on motion by Ravine, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Five
Bender, Crawford, Henry, Ravine, Schmidt
NAYS: Four
Edmonds, Hall, Hayhurst, Lunsey

DATED: 2-20-96

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-01-96 on the 20th day of February, 1996

ATTEST:

SEAL

Sandra E. Kennedy
City Clerk

D. J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 21st day of February, 1996, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 21st day of February, 1996, at the hour of 3:15 o'clock P.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-01-96, passed by the Common Council on the 20th day of February, 19 96, and that said Ordinance was duly signed and approved by the Mayor on the 21st day of February, 19 96, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 22nd day of February, 19 96.

SEAL

SANDRA E. KENNEDY, CITY CLERK

Read the first time in full and on motion by Ravine,
and duly adopted, read the second time by title and referred to the
committee on Regulations (and the City Plan Commission
or recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City County Building, Fort
Wayne,, Indiana, on _____, the _____ day of _____
19_____, at _____ o'clock
M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

DATED: 1-9-96

Read the third time in full and on motion by Ravine,
and duly adopted, placed on its passage. PASSED ~~LOST~~
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>5</u>	<u>4</u>		
BENDER	<u>✓</u>			
CRAWFORD	<u>✓</u>			
EDMONDS		<u>✓</u>		
HALL		<u>✓</u>		
HAYHURST		<u>✓</u>		
HENRY	<u>✓</u>			
LUNSEY		<u>✓</u>		
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

DATED: 2-20-96

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. X-01-96
on the 20th day of February, 19 96

ATTEST: (SEAL)
Sandra E. Kennedy DD Schmidt
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 21st day of February, 19 96,
at the hour of 10:00 o'clock A M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 21st day of February,
19 96, at the hour of 3:15 o'clock P M., E.S.T.

Paul Helmke
PAUL HELMKE, MAYOR

1 Bill No. X-96-01-06

2
3
4 ANNEXATION ORDINANCE NO. X- 01-96 #960024764 Page 1

5
6
7 AN ORDINANCE annexing certain territory West of
8 Smith Road in the City of Fort Wayne.

RECORDED
05/07/1996 10:20:33
RECORDER
VIRGINIA L. YOUNG
ALLEN COUNTY, IN

9
10 WHEREAS, a petition for voluntary annexation has been filed with the
11 Common Council; and

12 WHEREAS, said petition has been signed by the owners of fifty-one
13 percent (51%) of the territory sought to be annexed and by the owners of seventy-
14 five percent (75%) of the total assessed value of the territory for property tax
15 purposes; and

16 WHEREAS, said land described in the petition is located outside of
17 but contiguous to the City of Fort Wayne; and

18 THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
19 THE CITY OF FORT WAYNE, INDIANA:

20 SECTION 1. That following-described territory be and the same is
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22 Indiana, to-wit:

23
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25 Section 19 and Part of the Northwest and Southwest Quarter of
26 Section 20, all in Township 30 North, Range 12 East, Allen
27 County, Indiana, described as follows:

28
29 Beginning at the intersection of the East right of way of Smith
30 Road and with the North line of United Refuse Co., document #
31 95-004735, prolonged Easterly to a point being on the existing
32 City limits line as established by Annexation Ordinance X-04-86
33 and as on file in the office of the City Clerk of Fort Wayne,
34 Indiana; thence Southerly along the East right of way of Smith
35 Road to the North of right way line of the Norfolk and Western

1 Railroad; thence Southwesterly along the North right of way of
2 the Norfolk and Western Railroad to the Southwest corner of
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5 quarter of Section 19, Township 30 North, Range 12 East;
6 thence West along the South line of the Northwest quarter to the
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11 Fountain Street; thence South along the West right of way of
12 Fountain Street 848.5 feet; thence East 20 feet to the centerline
13 of Junk Ditch; thence Northeasterly along the centerline of Junk
14 Ditch, also the West line of United Refuse Co., document # 89-
15 044242 and 95-004735; thence Northeasterly along the North
16 line of United Refuse Co., document # 95-004735, to the point of
17 beginning. Containing 242 acres more or less.

18
19 The boundaries of said territory are those outlined in the location map
20 designated "West of Smith Road Annexation," two copies of which are on file in the
21 Office of the Clerk of the City of Fort Wayne and available for public inspection as
22 required by law.
23

24 **SECTION 2.** That the City of Fort Wayne will furnish the above-
25 described territory within a period of one (1) year from the effective date of
26 annexation, planned services of a non-capital nature, including police protection, fire
27 protection, and street and road maintenance, in a manner which is equivalent in
28 standard and scope to those non-capital services provided to areas within the City
29 of Fort Wayne which have similar topography, patterns of land utilization and
30 population density to the said described territory. The City of Fort Wayne will also
31 provide services of a capital improvement nature, including street construction,
32 street lighting, sewer facilities, water facilities and storm water drainage facilities to

1 the annexed territory within three (3) years of the effective date of annexation, in the
2 same manner as such services are provided to areas already in the City of Fort
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18 period, this Ordinance shall be in full force and effect and the above-described
19 territory shall become a part of the City of Fort Wayne.

20
21
22
23
24 **APPROVED AS TO FORM AND LEGALITY:**

25 J. Timothy McCaulay
26 **J. TIMOTHY McCAULAY**
27 **City Attorney**
28

Debbie Davis
COUNCIL MEMBER
Attest:

The above and foregoing is a true and
perfect copy of Bill No. 4-96-01-06

Consolidated Ordinance No. 4-01-96

as the same appears and remains on
record in my office.

Witness my hand and seal this 4th

- 3 -

day of

May 1996
Barbara E. Kennedy
CLERK

Read the first time in full and on motion by Ravine,
and duly adopted, read the second time by title and referred to the
Committee on Regulations (and the City Plan Commission
for recommendation) and Public Hearing to be held after due legal notice, at
the Common Council Council Conference Room 128, City-County Building, Fort
Wayne,, Indiana, on _____, the _____ day of _____
_____, 19_____, at _____ o'clock
_____, M., E.S.T.

DATED: 1-9-96 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Ravine,
and duly adopted, placed on its passage. PASSED lost
by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	5	4		
BENDER	✓			
CRAWFORD	✓			
EDMONDS		✓		
HALL		✓		
HAYHURST		✓		
HENRY	✓			
LUNSEY		✓		
RAVINE	✓			
SCHMIDT	✓			

DATED: 2-20-96 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne,
Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)
(SPECIAL) (ZONING) ORDINANCE RESOLUTION NO. X-01-96
on the 20th day of February, 1996

ATTEST: (SEAL)
Sandra E. Kennedy DD Schmidt
SANDRA E. KENNEDY, CITY CLERK PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on
the 21st day of February, 1996,
at the hour of 10:00 o'clock A, M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 21st day of February,
1996, at the hour of 3:15 o'clock P, M., E.S.T.
Paul Helmke
PAUL HELMKE, MAYOR

To: Natka Eshcoff

From: Lisa Minnick

Subject: United Refuse Voluntary Annexation, Ordinance # X-01-96

Date: May 6, 1996

Per I.C. 36-4-3-22, please note that the United Refuse Voluntary Annexation was approved by the Common Council of Fort Wayne on February 20, 1996, and signed by the Mayor on February 21, 1996. This annexation was duly published on February 28, 1996 and March 6, 1996. This annexation has successfully passed the 60 day remonstrance period. **Please note, this annexation becomes effective today, May 6, 1996.**

If you have any questions concerning this annexation, please contact me at 427-2141. Thank you!

BILL NO. X-96-01-06

REPORT OF THE COMMITTEE ON
REGULATIONS
REBECCA J. RAVINE - THOMAS E. HAYHURST - CO-CHAIR
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (~~RESOLUTION~~) annexing certain
territory West of Smith Road in the City of Fort Wayne

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

<u>Rebecca Curri</u>	<u>Edmonds</u>		
<u>Thomas E. Hayhurst</u>			
<u>Robert A. Borden</u>			
<u>John W. Crenshaw</u>			
<u>D. S. [Signature]</u>			
<u>[Signature]</u>			
<u>[Signature]</u>			
<u>[Signature]</u>			
<u>[Signature]</u>			
<u>[Signature]</u>			

DATED: 2-20-96.

Sandra E. Kennedy
City Clerk



THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ROOM 122 • FORT WAYNE, INDIANA 46802 • 219-427-1221

SANDRA E. KENNEDY, CITY CLERK

February 23, 1996

Ms. Connie Lambert
Fort Wayne Newspapers, Inc.
600 West Main Street
Fort Wayne, IN 46802

Dear Ms. Lambert:

Please give the attached full coverage on the dates of February 28 and March 6, 1996, in both the News Sentinel and Journal Gazette.

RE: Legal Notice for Common Council
of Fort Wayne, IN

Bill No. X-96-01-06
Annexation Ordinance No. X-01-96
West of Smith Road

Please send us 4 copies of the Publisher's Affidavit from both newspapers.

Sincerely yours,

Sandra E. Kennedy
City Clerk

ENCL: 1

LEGAL NOTICE

Notice is hereby given that on the 20th day of
February, 19 96, the Common Council of the City
of Fort Wayne, Indiana, in a Special Session did pass
the following Bill No. X-96-01-06 Annexation
Ordinance No. X-01-96 to-wit:

Bill No. X-96-01-06

ANNEXATION ORDINANCE NO. X- 01-96

AN ORDINANCE annexing certain territory West of
Smith Road in the City of Fort Wayne.

WHEREAS, a petition for voluntary annexation has been filed with the
Common Council; and

WHEREAS, said petition has been signed by the owners of fifty-one
percent (51%) of the territory sought to be annexed and by the owners of seventy-
five percent (75%) of the total assessed value of the territory for property tax
purposes; and

WHEREAS, said land described in the petition is located outside of
but contiguous to the City of Fort Wayne; and

**THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF
THE CITY OF FORT WAYNE, INDIANA:**

SECTION 1. That following-described territory be and the same is
hereby annexed to, and made a part of, the corporation of the City of Fort Wayne,
Indiana, to-wit:

Part of the Northeast, Northwest, and Southeast Quarter of
Section 19 and Part of the Northwest and Southwest Quarter of
Section 20, all in Township 30 North, Range 12 East, Allen
County, Indiana, described as follows:

Beginning at the intersection of the East right of way of Smith
Road and with the North line of United Refuse Co., document #
95-004735, prolonged Easterly to a point being on the existing
City limits line as established by Annexation Ordinance X-04-86
and as on file in the office of the City Clerk of Fort Wayne,
Indiana; thence Southerly along the East right of way of Smith
Road to the North of right way line of the Norfolk and Western

Notice is hereby given that on the 20th day of February, 1996, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. X-96-01-06 Annexation Ordinance No. X-01-96 to-wit:

Bill No, X-96-01-06

ANNEXATION ORDINANCE NO. X-01-96

AN ORDINANCE annexing certain territory West of Smith Road in the City of Fort Wayne.

WHEREAS, a petition for voluntary annexation has been filed with the Common Council; and

WHEREAS, said petition has been signed by the owners of fifty-one percent (51 %) of the territory sought to be annexed and by the owners of seventy-five percent (75%) of the total assessed value of the territory for property tax purposes; and

WHEREAS, said land described in the petition is located outside of but contiguous to the City of Fort Wayne; and

THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That following-described territory be and the same is hereby annexed to, and made a part of, the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of the Northeast, Northwest, and Southeast Quarter of Section 19 and Part of the Northwest and Southwest Quarter of Section 20, all in Township 30 North, Range 12 East, Allen County, Indiana, described as follows:

Beginning at the intersection of the East right of way of Smith Road and with the North line of United Refuse Co., document # 95-004735, prolonged Easterly to a point being on the existing City limits line as established by Annexation Ordinance X-04-86 and as on file in the office of the City Clerk of Fort Wayne, Indiana; thence Southerly along the East right of way of Smith Road to the North of right way line of the Norfolk and Western Railroad; thence Southwesterly along the North right of way of the Norfolk and Western Railroad to the Southwest corner of Paul Monroe property, document # 70-2211; thence North along the west line of said property to the South line of the Northeast quarter of Section 19, Township 30 North, Range 12 East; thence West along the South line of the Northwest quarter to the Southwest corner of United Refuse Co., document # 90-01747; thence North along the West line of said property to the South right of way line of Engle Road; thence Northeasterly along the South right of way line of Engle Road to the West right of way of Fountain Street; thence South along the West right of way of Fountain Street 848.5 feet; thence East 20 feet to the centerline of Junk Ditch; thence Northeasterly along the centerline of Junk Ditch, also the West line of United Refuse Co., document # 89-044242 and 95-004735; thence Northeasterly along the North line of United Refuse Co., document # 95-004735, to the point of beginning. Containing 242 acres more or less.

The boundaries of said territory are those outlined in the location map designated West of Smith Road Annexation, two copies of which are on file in the Office of the Clerk of the City of Fort Wayne and available for public inspection as required by law.

SECTION 2. That the City of Fort Wayne will furnish the above- described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection, fire protection, and street and road maintenance, in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City of Fort Wayne which have similar topography, patterns of land utilization and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and storm water drainage facilities to the annexed territory within three (3) years of the effective date of annexation, in the same manner as such services are provided to areas already in the City of Fort Wayne with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. That governmental and proprietary services will be provided to the above-described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Division of Community and Economic Development. Said Plan was examined by the Common Council of the City of Fort Wayne and is approved and adopted by the Common Council by way of a separate Resolution adopted contemporaneously with the passage of this Ordinance.

SECTION 4. That said described territory shall be a part of Councilmanic Political Ward No. 4 of the City of Fort Wayne, Indiana, as described in Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended.

SECTION 5. That, after its passage, any and all necessary approval by the Mayor, due legal publication, and the required sixty (60) day remonstrance period, this Ordinance shall be in full force and effect and the above-described territory shall become a part of the City of Fort Wayne.

REBECCA J. RAVINE
COUNCIL MEMBER

Read the third time in full and on motion by Ravine, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Five
Bender, Crawford, Henry, Ravine, Schmidt

NAYS: Four
Edmonds, Hall, Hayhurst, Lunsey

DATED: 2-20-96
Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-01-96 on the 20th day of February, 1996.

ATTEST: Sandra E. Kennedy
City Clerk

D. J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 21st day of February, 1996, at the hour of 10:00 o'clock A.M.,E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 21st day of February, 1996, at the hour of 3:15 o'clock P.M.,E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-01-96, passed by the Common Council on 20th day of February, 1996, and that said Ordinance was duly signed and approved by the Mayor on the 21st day of February, 1996, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 22nd day of February, 1996.

SANDRA E. KENNEDY
CITY CLERK
#135197 #231

2--28/3-6

of Accounts

General Form No. 99P (Revised 1987)

To: The Journal-Gazette Dr.
P.O. Box 100
Fort Wayne, IN

nty, Indiana

PUBLISHER'S CLAIM

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Title:

Clerk

PUBLISHER'S AFFIDAVIT

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dersigned JULIE L ROHYANS who, being duly sworn, says that he/

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ulation printed and published in the English language in the (city) (town) of
Fort Wayne, IN in state and county aforesaid, and that the printed matter

tached hereto is a true copy, which was duly published in said paper for

2 time , the dates of publication being as follows:

2-28/3-6-1996

scribed and sworn to before me this 6th day of MARCH, 19 96.

MARY L SCHNEIDER
NOTARY PUBLIC
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997

y commission expires:

Notice is hereby given that on the 20th day of February, 1996, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. X-96-01-06 Annexation Ordinance No. X-01-96 to-wit:

Bill No. X-96-01-06

ANNEXATION ORDINANCE NO. X-01-96

AN ORDINANCE annexing certain territory West of Smith Road in the City of Fort Wayne.

WHEREAS, a petition for voluntary annexation has been filed with the Common Council; and

WHEREAS, said petition has been signed by the owners of fifty-one percent (51 %) of the territory sought to be annexed and by the owners of seventy-five percent (75%) of the total assessed value of the territory for property tax purposes; and

WHEREAS, said land described in the petition is located outside of but contiguous to the City of Fort Wayne; and

THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That following-described territory be and the same is hereby annexed to, and made a part of, the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of the Northeast, Northwest, and Southeast Quarter of Section 19 and Part of the Northwest and Southwest Quarter of Section 20, all in Township 30 North, Range 12 East, Allen County, Indiana, described as follows:

Beginning at the intersection of the East right of way of Smith Road and with the North line of United Refuse Co., document # 95-004735, prolonged Easterly to a point being on the existing City limits line as established by Annexation Ordinance X-04-86 and as on file in the office of the City Clerk of Fort Wayne, Indiana; thence Southerly along the East right of way of Smith Road to the North of right way line of the Norfolk and Western Railroad; thence Southwesterly along the North right of way of the Norfolk and Western Railroad to the Southwest corner of Paul Monroe property, document # 70-2211; thence North along the west line of said property to the South line of the Northeast quarter of Section 19, Township 30 North, Range 12 East; thence West along the South line of the Northwest quarter to the Southwest corner of United Refuse Co., document # 90-01747; thence North along the West line of said property to the South right of way line of Engle Road; thence Northeasterly along the South right of way line of Engle Road to the West right of way of Fountain Street; thence South along the West right of way of Fountain Street 848.5 feet; thence East 20 feet to the centerline of Junk Ditch; thence Northeasterly along the centerline of Junk Ditch, also the West line of United Refuse Co., document # 89-044242 and 95-004735; thence Northeasterly along the North line of United Refuse Co., document # 95-004735, to the point of beginning. Containing 242 acres more or less.

The boundaries of said territory are those outlined in the location map designated West of Smith Road Annexation, two copies of which are on file in the Office of the Clerk of the City of Fort Wayne and available for public inspection as required by law.

SECTION 2. That the City of Fort Wayne will furnish the above-described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection, fire protection, and street and road maintenance, in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City of Fort Wayne which have similar topography, patterns of land utilization and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and storm water drainage facilities to the annexed territory within three (3) years of the effective date of annexation, in the same manner as such services are provided to areas already in the City of Fort Wayne with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. That governmental and proprietary services will be provided to the above-described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Division of Community and Economic Development. Said Plan was examined by the Common Council of the City of Fort Wayne and is approved and adopted by the Common Council by way of a separate Resolution adopted contemporaneously with the passage of this Ordinance.

SECTION 4. That said described territory shall be a part of Councilmanic Political Ward No. 4 of the City of Fort Wayne, Indiana, as described in Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended.

SECTION 5. That, after its passage, any and all necessary approval by the Mayor, due legal publication, and the required sixty (60) day remonstrance period, this Ordinance shall be in full force and effect and the above-described territory shall become a part of the City of Fort Wayne.

REBECCA J. RAVINE
COUNCIL MEMBER

Read the third time in full and on motion by Ravine, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Five
Bender, Crawford, Henry, Ravine, Schmidt

NAYS: Four
Edmonds, Hall, Hayhurst, Lunsey

DATED: 2-20-96

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-01-96 on the 20th day of February, 1996.

ATTEST: Sandra E. Kennedy
City Clerk

D. J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 21st day of February, 1996, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 21st day of February, 1996, at the hour of 3:15 o'clock P.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-01-96, passed by the Common Council on 20th day of February, 1996, and that said Ordinance was duly signed and approved by the Mayor on the 21st day of February, 1996, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 22nd day of February, 1996.

SANDRA E. KENNEDY
CITY CLERK
#135197 #231

2--28/3-6

f Accounts

General Form No. 99P (Revised 1987)

To: The Journal-Gazette
P.O. Box 100
Fort Wayne, IN

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PUBLISHER'S CLAIM

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Title: Clerk

PUBLISHER'S AFFIDAVIT

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time , the dates of publication being as follows:

2-28/3-6-1996

pscribed and sworn to before me this 6th day of MARCH, 19 96.

Notary Public

r commission expires: NOTARY PUBLIC STATE OF INDIANA

ALLEN COUNTY

MY COMMISSION EXP JUNE 14, 1997

LEGAL NOTICE

Notice is hereby given that on the 20th day of February, 1996, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. X-96-01-06 Annexation Ordinance No. X-01-96 to-wit:

Bill No. X-96-01-06

ANNEXATION ORDINANCE NO. X-01-96

AN ORDINANCE annexing certain territory West of Smith Road in the City of Fort Wayne.

WHEREAS, a petition for voluntary annexation has been filed with the Common Council; and

WHEREAS, said petition has been signed by the owners of fifty-one percent (51 %) of the territory sought to be annexed and by the owners of seventy-five percent (75%) of the total assessed value of the territory for property tax purposes; and

WHEREAS, said land described in the petition is located outside of but contiguous to the City of Fort Wayne; and

THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That following-described territory be and the same is hereby annexed to, and made a part of, the corporation of the City of Fort Wayne, Indiana, to-wit:

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2--28/3--6 #135196 #231

The boundaries of said territory are those outlined in the location map designated West of Smith Road Annexation, two copies of which are on file in the Office of the Clerk of the City of Fort Wayne and available for public inspection as required by law.

SECTION 2. That the City of Fort Wayne will furnish the above-described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection, fire protection, and street and road maintenance, in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City of Fort Wayne which have similar topography, patterns of land utilization and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and storm water drainage facilities to the annexed territory within three (3) years of the effective date of annexation, in the same manner as such services are provided to areas already in the City of Fort Wayne with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

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SECTION 4. That said described territory shall be a part of Councilmanic Political Ward No. 4 of the City of Fort Wayne, Indiana, as described in Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended.

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REBECCA J. RAVINE
COUNCIL MEMBER

Read the third time in full and on motion by Ravine, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Five
Bender, Crawford, Henry, Ravine, Schmidt

NAYS: Four
Edmonds, Hall, Hayhurst, Lunsey

DATED: 2-20-96

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-01-96 on the 20th day of February, 1996.

ATTEST: Sandra E. Kennedy
City Clerk

D. J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 21st day of February, 1996, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 21st day of February, 1996, at the hour of 3:15 o'clock P.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-01-96, passed by the Common Council on 20th day of February, 1996, and that said Ordinance was duly signed and approved by the Mayor on the 21st day of February, 1996, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 22nd day of February, 1996.

SANDRA E. KENNEDY
CITY CLERK
#135197 #231

2--28/3--6

General Form No. 99P (Revised 1987)

To: The News-Sentinel Dr.

P.O. Box 100

Fort Wayne, IN

iana

PUBLISHER'S CLAIM

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96 Title: Julie L Rohyans Clerk

PUBLISHER'S AFFIDAVIT

of Indiana)

) ss:

County)

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signed JULIE L ROHYANS who, being duly sworn, says that he/
Clerk of the The News-Sentinel newspaper of general
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hed hereto is a true copy, which was duly published in said paper for
time _____, the dates of publication being as follows:

2-28/3-6-1996

Julie L Rohyans

cribed and sworn to before me this 6th day of MARCH, 19 96.

Mary L Schneider
Notary Public

MARY L SCHNEIDER
NOTARY PUBLIC STATE OF INDIANA
ALLEN COUNTY
MY COMMISSION EXP JUNE 14, 1997

ommission expires:

LEGAL NOTICE

Notice is hereby given that on the 20th day of February, 1996, the Common Council of the City of Fort Wayne, Indiana, in a Special Session did pass the following Bill No. X-96-01-06 Annexation Ordinance No. X-01-96 to-wit:

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WHEREAS, said petition has been signed by the owners of fifty-one percent (51 %) of the territory sought to be annexed and by the owners of seventy-five percent (75 %) of the total assessed value of the territory for property tax purposes; and

WHEREAS, said land described in the petition is located outside of but contiguous to the City of Fort Wayne; and

THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. That following-described territory be and the same is hereby annexed to, and made a part of, the corporation of the City of Fort Wayne, Indiana, to-wit:

Part of the Northeast, Northwest, and Southeast Quarter of Section 19 and Part of the Northwest and Southwest Quarter of Section 20, all in Township 30 North, Range 12 East, Allen County, Indiana, described as follows:

Beginning at the intersection of the East right of way of Smith Road and with the North line of United Refuse Co., document # 95-004735, prolonged Easterly to a point being on the existing City limits line as established by Annexation Ordinance X-04-86 and as on file in the office of the City Clerk of Fort Wayne, Indiana; thence Southerly along the East right of way of Smith Road to the North of right way line of the Norfolk and Western Railroad; thence Southwesterly along the North right of way of the Norfolk and Western Railroad to the Southwest corner of Paul Monroe property, document # 70-2211; thence North along the west line of said property to the South line of the Northeast quarter of Section 19, Township 30 North, Range 12 East; thence West along the South line of the Northwest quarter to the Southwest corner of United Refuse Co., document # 90-01747; thence North along the West line of said property to the South right of way line of Engle Road; thence Northeasterly along the South right of way line of Engle Road to the West right of way of Fountain Street; thence South along the West right of way of Fountain Street 848.5 feet; thence East 20 feet to the centerline of Junk Ditch; thence Northeasterly along the centerline of Junk Ditch, also the West line of United Refuse Co., document # 89-044242 and 95-004735; thence Northeasterly along the North line of United Refuse Co., document # 95-004735, to the point of beginning. Containing 242 acres more or less.

#135196 #231

The boundaries of said territory are those outlined in the location map designated West of Smith Road Annexation, two copies of which are on file in the Office of the Clerk of the City of Fort Wayne and available for public inspection as required by law.

SECTION 2. That the City of Fort Wayne will furnish the above- described territory within a period of one (1) year from the effective date of annexation, planned services of a non-capital nature, including police protection, fire protection, and street and road maintenance, in a manner which is equivalent in standard and scope to those non-capital services provided to areas within the City of Fort Wayne which have similar topography, patterns of land utilization and population density to the said described territory. The City of Fort Wayne will also provide services of a capital improvement nature, including street construction, street lighting, sewer facilities, water facilities and storm water drainage facilities to the annexed territory within three (3) years of the effective date of annexation, in the same manner as such services are provided to areas already in the City of Fort Wayne with similar topography, patterns of land utilization and population density, and in a manner consistent with federal, state and local laws, procedures and planning criteria.

SECTION 3. That governmental and proprietary services will be provided to the above-described territory in a manner consistent with the written Fiscal Plan for the territory developed by the Division of Community and Economic Development. Said Plan was examined by the Common Council of the City of Fort Wayne and is approved and adopted by the Common Council by way of a separate Resolution adopted contemporaneously with the passage of this Ordinance.

SECTION 4. That said described territory shall be a part of Councilmanic Political Ward No. 4 of the City of Fort Wayne, Indiana, as described in Division I, Section 2-9 of Chapter 2 of the Municipal Code of the City of Fort Wayne, Indiana, of 1974, as amended.

SECTION 5. That, after its passage, any and all necessary approval by the Mayor, due legal publication, and the required sixty (60) day remonstrance period, this Ordinance shall be in full force and effect and the above-described territory shall become a part of the City of Fort Wayne.

REBECCA J. RAVINE
COUNCIL MEMBER

Read the third time in full and on motion by Ravine, and duly adopted, placed on its passage. PASSED by the following vote:

AYES: Five
Bender, Crawford, Henry, Ravine, Schmidt

NAYS: Four
Edmonds, Hall, Hayhurst, Lunsey

DATED: 2-20-96

Sandra E. Kennedy
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as Annexation Ordinance No. X-01-96 on the 20th day of February, 1996.

ATTEST: Sandra E. Kennedy
City Clerk

D. J. Schmidt
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 21st day of February, 1996, at the hour of 10:00 o'clock A.M., E.S.T.

Sandra E. Kennedy
City Clerk

Approved and signed by me this 21st day of February, 1996, at the hour of 3:15 o'clock P.M., E.S.T.

Paul Helmke
Mayor

I, The Clerk of the City of Fort Wayne, Indiana do hereby certify that the above and foregoing is a full, true and complete copy of Annexation Ordinance No. X-01-96, passed by the Common Council on 20th day of February, 1996, and that said Ordinance was duly signed and approved by the Mayor on the 21st day of February, 1996, and now remains on file and on record in my office.

WITNESS my hand, and the official seal of the City of Fort Wayne, Indiana, this 22nd day of February, 1996.

SANDRA E. KENNEDY
CITY CLERK
#135197 #231

2--28/3--6

General Form No. 99P (Revised 1987)

ounts

To:

The News-Sentinel

Dr.

P.O. Box 100

Fort Wayne, IN

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3 Clerk of the The News-Sentinel newspaper of general

lation printed and published in the English language in the (city) (town) of

rt Wayne, IN in state and county aforesaid, and that the printed matter

hed hereto is a true copy, which was duly published in said paper for

2 time , the dates of publication being as follows:

2-28/3-6-1996

cribed and sworn to before me this 6th day of MARCH, 19 96.

Notary Public

MARY L SCHNEIDER

ommission expires: NOTARY PUBLIC STATE OF INDIANA

ALLEN COUNTY

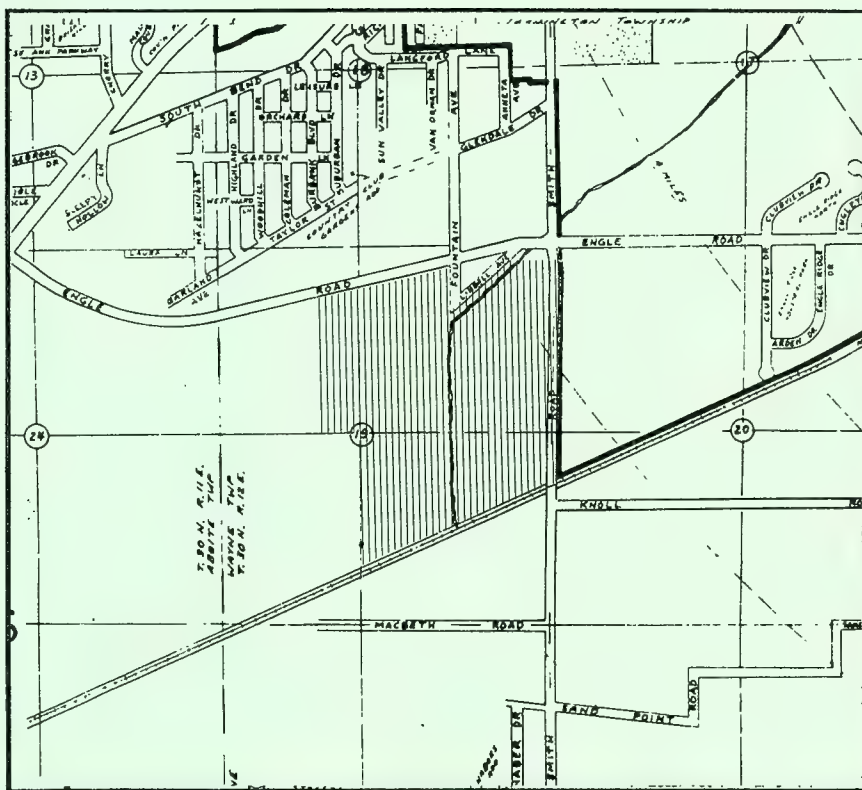
MY COMMISSION EXP JUNE 14,1997

CITY OF FORT WAYNE
PAUL HELMKE, MAYOR

February 1996

United Refuse Voluntary Annexation

COMMUNITY & ECONOMIC



ADMINISTRATION AND POLICY DIRECTION

Paul Helmke
Mayor
City of Fort Wayne

W. Gregg LaMar
Director
Division of Community and Economic Development

Gary Stair
Director of Planning

Fort Wayne City Plan Commission
Ernest Evans, President
James Hoch, Vice President
Carol Kettler Sharp, Secretary
Linda Buskirk
DeDe Hall
Stanley Phillips
Richard Pierce
Thomas Quirk
David Ross

RESEARCH AND PREPARATION

Pamela Holocher, Senior Planner
Lisa Minnick, Planner II

INTRODUCTION

On January 8, 1996, City Council received a petition from the United Refuse Company for the annexation of approximately 242 acres of land southwest of the City of Fort Wayne located along Smith Road. A portion of the land is currently being used as a sanitary land fill. The United Refuse Company is currently in the process of deeding over a portion of the land to the Allen County Park Department. Based on an agreement between the two, the land which is being deeded over will be used as a nature preserve.

The United Refuse Voluntary Annexation satisfies the criteria of the Indiana State Statute. This plan describes the area to be annexed and summarizes the financial impact this annexation will have on the City.

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SECTION ONE

BASIC DATA

A. LOCATION

The area proposed for annexation is located southwest of the City of Fort Wayne and is generally bounded on the south by the Norfolk and Western Railroad, on the west by the east line of tract #3 in section 19 of Wayne Township, on the north by Engle Road and the centerline of the Junk Ditch, and of the east by the current City Limits (see Figure 1).

B. SIZE

The United Refuse Voluntary Annexation area contains approximately 242 acres.

C. POPULATION

The United Refuse Voluntary Annexation currently has a population of 0 persons.

D. BUILDINGS

There is one commercial structure located within the area.

E. LAND USE

Presently, a portion of the land is being used as a sanitary landfill. The remainder of the land is vacant.

F. ZONING

The United Refuse Voluntary Annexation area currently contains three zoning classifications. Upon annexation, this area will be under the jurisdiction of the City Plan Commission and the zoning classifications will be as follows:

County Zoning Classification

RS1 Suburban Residential

I1 Light Industrial

I2 General Industrial

City Zoning Classification

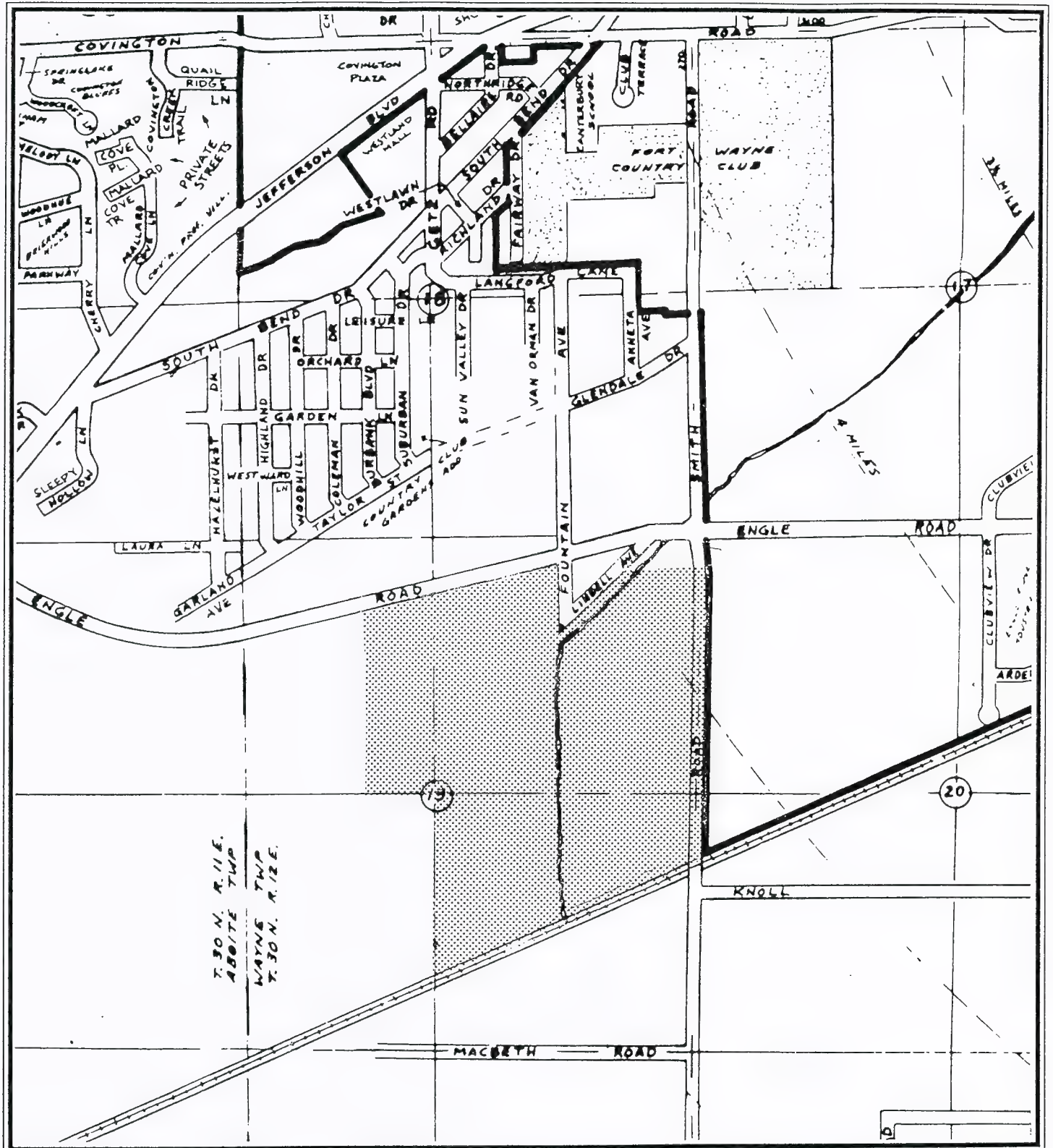
R1 One-family Residence District

M1 Light Industrial District

M2 General Industrial District

Figure 1

UNITED REFUSE VOLUNTARY ANNEXATION



LOCATION

G. ASSESSMENT

\$ 281,930

H. NET TAX RATE: (1994 payable 1995 rates)

Existing: (Wayne PTC)	\$ 6.853918
After annexation:	\$ 8.528605
Increase:	\$ 1.674687 (24.4 % increase)

I. COUNCIL DISTRICT

The United Refuse Voluntary Annexation area will be in City Council District 4, subject to any later statutorily-required reapportionment.

SECTION TWO

THE COMPREHENSIVE ANNEXATION PROGRAM

The annexation of the United Refuse area is part of a larger comprehensive annexation program prepared by the Department of Community Development and Planning, which was promulgated in a report in 1975 and which was consequently updated in 1976. The Annexation Policy and Program Study was the culmination of a year and a half of extensive study and is used as a policy guide for the City's annexation program. The report recommends that "all urban land contiguous to the City limits should become part of the City" as should "all non-urban land required to complement the annexation of urban land and provide the ability to control and manage urban growth". Because the United Refuse Voluntary area met this criteria in 1975-76, the report identified it as part of a larger area which was recommended for annexation.

SECTION THREE

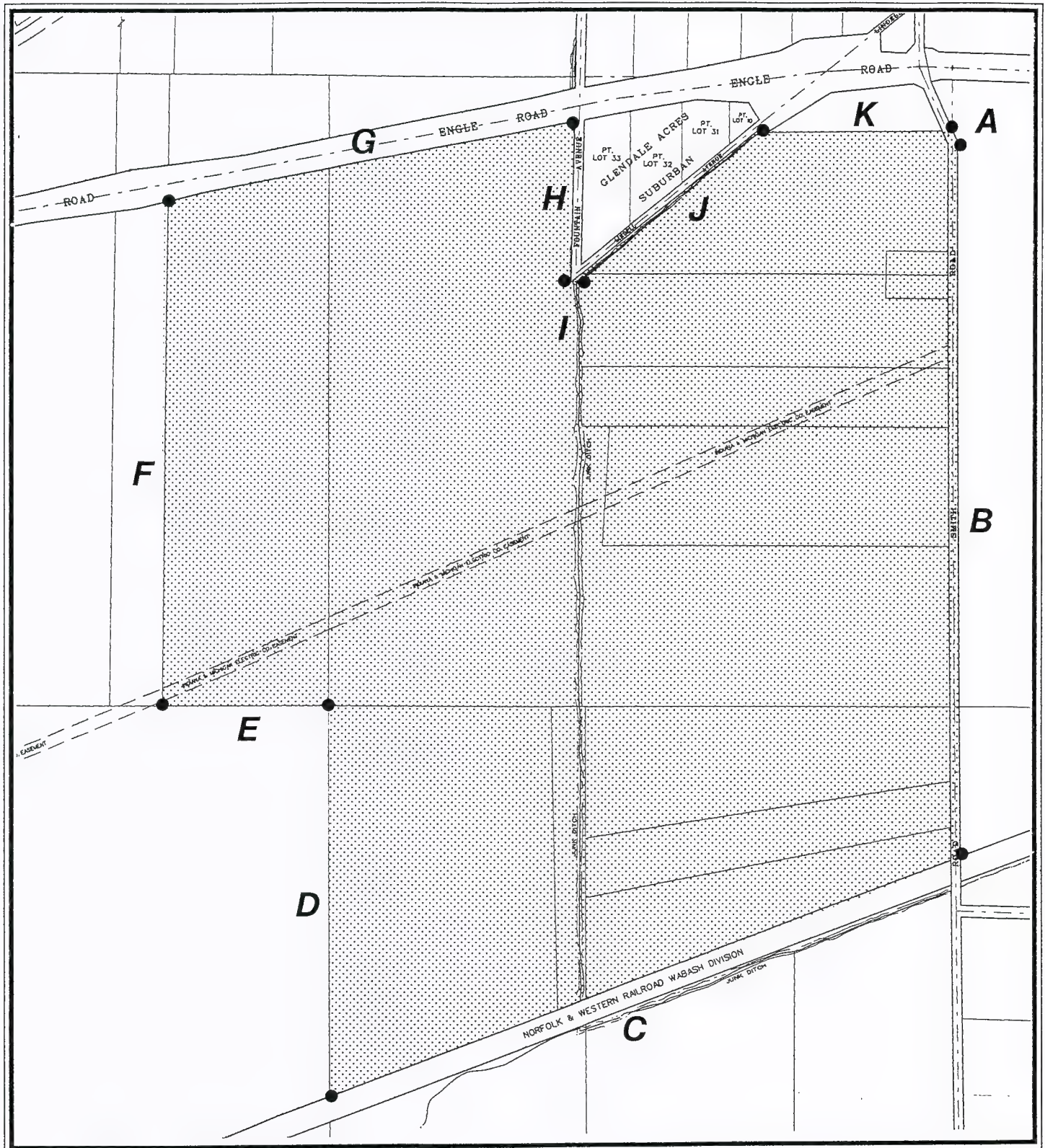
STATE LAW REQUIREMENTS

State law stipulates that if an area is one-eighth contiguous to the City, it can be annexed voluntarily if 51 percent of the property owners in the territory sought to be annexed, or owners of 75 percent of the total assessed value of the land petition for an ordinance to annex the area.

The area meets contiguity requirements in that is over one-eighth (12.5%) contiguous to the City of Fort Wayne, being 20.7 percent contiguous to the City boundaries (see Figure 2). The area also meets the second requirement, in that the entity petitioning for annexation are owners of more than 75 percent of the assessed value and represent more than 50 percent of the property owners. Therefore, the United Refuse Voluntary Annexation complies with the relevant state law requirements.

Figure 2

UNITED REFUSE VOLUNTARY ANNEXATION



CONTIGUITY

CONTIGUOUS

A.	48'
B.	3011'

TOTAL 3059' (20.7%)

NON-CONTIGUOUS

C.	2836'	F.	2121'	I.	20'
D.	1637'	G.	1740'	J.	990'
E.	700'	H.	849'	K.	814'

TOTAL 14766' (79.3%)

SECTION FOUR

MUNICIPAL SERVICES

This section of the Fiscal Plan forecasts the costs and methods of financing services for the United Refuse Voluntary Annexation area. The plan also describes how and when the City plans to extend the services which are non-capital and capital in nature. The following section demonstrates how the City will satisfy the requirements of Indiana State Law in provision of services and financing of same in an equitable manner.

As required by state law, the annexation area will receive planned services of non-capital nature in a manner equivalent in standard and scope to those non-capital services provided to areas within the corporate boundaries that have similar topography, patterns of land use, and population density. In addition, the annexation area will receive services of a capital improvement nature in the same manner as those services are provided to areas within the corporate boundaries that have similar topography, patterns of land use, and population density.

All services both of a non-capital nature and of a capital improvement nature described in subsequent subsections of the Municipal Services Section will be provided to the United Refuse Voluntary Annexation area in a manner equivalent in standard and scope to those capital and non-capital services provided to other comparable areas within the City.

A. POLICE DEPARTMENT

The services provided by the Fort Wayne Police Department include the prevention of crime, the detection and apprehension of criminal offenders, assistance for those who cannot care for themselves or who are in danger of physical harm, resolution of day-to-day conflicts among family, friends, and neighbors, and the creation and maintenance of a feeling of security in the community. The Police Department is involved in legal work and protection of constitutional rights. Lastly, the Police Department performs traffic control, promotes civil order, and provides educational and technical assistance in the area of crime prevention and neighborhood services.

Upon annexation, the United Refuse Voluntary Annexation area will be incorporated into Police District "I". The Police Department keeps tabulations on the amount of personnel and equipment necessary for the City's annexation program, and has determined that additional personnel and equipment are not required for this particular annexation.

The cost to provide protection to the annexation area will be approximately \$202 per year. This cost is based on a patrolman's average hourly rate of \$21.29 multiplied by an estimated 45 minutes spent per call. This amount is then multiplied by the estimated number of calls (12 per year) for service to this area. This total, which equals approximately \$192, is the direct personnel cost. A small non-personnel cost of 5 percent is then added to the above total. This gives the

overall cost of approximately \$202 annually to service the annexation area. Funding for police services in the annexation area will come from the Civil City budget of the Police Department which is derived primarily from local property taxes through the General Fund.

CAPITAL COST: \$ 0
ESTIMATED ANNUAL COST: \$ 202

B. FIRE PROTECTION

This annexation area is located within the Southwest Allen County Fire District (SWACFD). As a result, the City is unable to receive any tax revenues at this time for fire protection services. Therefore, the City of Fort Wayne does not anticipate providing fire protection services to the proposed annexation area unless such services are required by the courts as a result of a clarification of the SWACFD procedures, or are required as a result of any mutual aid agreement between the SWACFD and the City of Fort Wayne. Like other property owners outside of City fire service boundaries, the owners of property within the annexed area may also contract for fire protection services. Such contract for fire protection services would require separate Common Council approval. The present policy of the City of Fort Wayne is to set the price for such contracted fire protection services at an amount equal to the assessed value of the area to be protected times that portion of the City tax rate related to fire services, unless the property is owned by another governmental entity such as a school corporation.

CAPITAL COST: \$ 0
ESTIMATED ANNUAL COST: \$ 0

C. EMERGENCY MEDICAL SERVICE (EMS)

At the present time, Three Rivers Ambulance Authority is the provider of ambulance service for the City. Properties in the United Refuse Voluntary Annexation area will receive full advanced life support ambulance service immediately upon annexation.

A number of ambulances are stationed throughout the City 24 hours a day. Upon receiving a request for service from the annexation area, the ambulance closest to the area will be dispatched to the annexation area. For some emergencies, such as heart attacks, the Fort Wayne Fire Department will provide extra assistance. Primary assistance will come from Station # 5 at 5801 Bluffton Road. The Fire Department trains a number of its personnel so that each fire station has an emergency medical technician. Therefore, if needed, fire fighters are able to administer medical treatment before the ambulance arrives.

The method of financing emergency medical services is based on user fees. The charges for ambulance service are shown on the following page.

Table 1

1. \$182 plus \$6.50 per loaded mile for non-emergency transfers scheduled 24 hours in advance.
2. \$244 plus \$6.50 per loaded mile for non-scheduled non-emergency transfers
3. \$492 plus \$8 for emergencies for all City and non-City residents plus a \$67 fee for emergency response.

This method of financing permits service to be extended to the annexation area with its existing budget. No additional manpower or equipment will be needed to service the annexation area.

ESTIMATED ANNUAL COST: \$ 0

D. SOLID WASTE DISPOSAL

The Solid Waste Department oversees the collection of garbage, yard waste, and non-freon white goods, the curbside recycling program, and the composting program. In addition, the department also contracts with Appliance Recycling Centers of America, Inc. (ARCA) to pick up illegally dumped freon appliances.

Obviously, the City of Fort Wayne will not provide garbage, curbside recycling, or yard waste collection services to this area since there are no residential structures within the area, and the area is predominately used for land filling purposes.

CAPITAL COST: \$ 0

ESTIMATED ANNUAL COST: \$ 0

E. TRAFFIC CONTROL

Some of the services that are provided by the Traffic Engineering department include surveys and investigations of traffic conditions and problems, as well as the installation and maintenance of traffic control devices such as stop lights, control signs, and fire alarm systems.

The City's Traffic Engineering Department will not require any additional personnel or equipment to perform its services in the United Refuse Voluntary Annexation area. There will be an annual

cost of \$402 for the painting of 6,000 feet of pavement markings along Smith Road. Funding sources will come from property taxes and Local Roads and Streets (LRS) funds.

CAPITAL COST: \$ 0
ESTIMATED ANNUAL COST: \$ 402

F. STREETS AND ROADS

The incorporation of the United Refuse Voluntary Annexation area will add .56 miles of arterial streets to the City's street system. All .56 miles are in good condition.

The Fort Wayne Street Department is responsible for the general maintenance of all legal streets and street right-of-ways, if any, within the annexation area immediately after the annexation. General maintenance includes snow and ice removal, street sweeping, minor ditch maintenance right-of-way mowing, leaf pick-up, guard rail repair, and surface maintenance. The Street Engineering Department will also provide engineering services and construction supervision for all streets, alleys, and sidewalks that may be constructed within the proposed area.

It costs the City approximately \$5,900 to maintain each mile of street, annually. The United Refuse Voluntary Annexation will add .56 miles of street to the City's street system. Therefore, the total cost to provide service to this area will be approximately \$3,304 per year. The provision of these services will not require any additional equipment or personnel.

CAPITAL COST: \$ 0
ESTIMATED ANNUAL COST: \$ 3,304

G. PARKS AND RECREATION

Due to the fact that there are no residential structures located within the United Refuse Voluntary Annexation area, and because part of the proposed area will potentially be deeded over to the Allen County Parks and Recreation Department to be used as a nature preserve, there is no need for additional open space at this time.

CAPITAL COST: \$ 0
ESTIMATED ANNUAL COST: \$ 0

H. WATER

The Fort Wayne Water Utility is currently not providing service to the United Refuse Voluntary Annexation area, nor are there any plans at this time. The extension of water services will be

considered once property owners within the area petition for such services.

CAPITAL COST: \$ 0
ESTIMATED ANNUAL COST: \$ 0

I. FIRE HYDRANTS

Currently, there are no fire hydrants within the proposed annexation area. Therefore, there will be no costs associated with this service.

CAPITAL COST: \$ 0
ESTIMATED ANNUAL COST: \$ 0

J. SANITARY SEWERS

The City of Fort Wayne Sewer Utility is currently not providing sanitary sewer service to the proposed annexation area. However, the proposed area is within an area which is part of the master plan for future service. There are currently no scheduled improvements planned for this area. However, property owners could petition with the Board of Works for such services. Property owners will also have to pay for such a service either on a cash basis or through the Barrett Bonding process.

CAPITAL COST: \$ 0
ESTIMATED ANNUAL COST: \$ 0

K. STORM SEWERS

Upon annexation, maintenance and operation services will be provided to those components of the area's storm drainage system, if any, that become part of the municipal system. This would include public storm sewers meeting City of Fort Wayne construction standards, and ditches that have been petitioned for and accepted by the Board of Stormwater Management for maintenance by the Utility. At this time, there is no inventory indicating which drainage lines or structures will fall into this category.

Following annexation, all residents and businesses will be immediately subject to monthly stormwater drainage fees. There are properties within the annexation area that are within the watershed of county-regulated drains and will remain subject to possible assessments from the

County Drainage Board for work on those drains even after annexation. There is, however, an effort underway to transfer to the City, any such drains that lie within the City limits.

CAPITAL COST: \$ 0
ESTIMATED ANNUAL COST: \$ 0

L. STREET LIGHTING

It is the goal of the City of Fort Wayne Street Lighting Department to light every unlit intersection within the City limits to reduce night accidents, facilitate traffic flow, aid police protection, and inspire community spirit and growth. There are currently no intersections within the annexation area. Therefore, the Street Light Engineering Department will not need to purchase or install any additional lights.

CAPITAL COSTS: \$ 0
ESTIMATED ANNUAL COST: \$ 0

M. ANIMAL CONTROL

The Fort Wayne Department of Animal Control will provide various services to the United Refuse Voluntary Annexation area immediately upon the effective date of annexation. The services this department will provide include, but are not limited to, the sheltering of stray animals, response to animal complaints and emergencies, 24-hour service (seven days a week including holidays), canvassing for unconfined strays, trap rental, pet adoption, and a humane education program.

It was determined by the Animal Control Department that due to the size of the area, the projected operating cost per year will be negligible. The number of existing field and animal care staff are capable of handling the additional work load presented by this area. Therefore, no additional officers will be required.

CAPITAL COST: \$ 0
ESTIMATED ANNUAL COST: \$ 0

N. ADMINISTRATIVE SERVICES

All administrative functions of the City will be available to the United Refuse Voluntary Annexation area immediately upon the effective date of annexation. These services include, but are not limited to, the Law Department, the City Plan Commission, the Mayor's Office, the Board of Works, the Metropolitan Human Relations Department, the City Clerk's Office, the Citizen's Advocate Office, etc. General administration includes all of the regulatory and program functions

of the various City departments. When the area is annexed, City departments will be notified and will expand their jurisdictional areas accordingly.

CAPITAL COST: \$ 0

ESTIMATED ANNUAL COST: \$ 0

SECTION FIVE

PLAN FOR HIRING GOVERNMENTAL EMPLOYEES DISPLACED BY ANNEXATION

It is not anticipated that due to the annexation of the United Refuse Voluntary area, any governmental employees will be eliminated from other governmental agencies. However, if any governmental employee is displaced as a result of this annexation and makes application with the City of Fort Wayne for employment within thirty days after displacement, such employee will be treated as if the employee were a City employee on "lay-off" status for purposes of hiring for any vacant position similar to the government position from which the individual was displaced.

SECTION SIX

FINANCIAL SUMMARY AND RECOMMENDATION

The purpose of this section is to project the revenues and expenditures from the proposed United Refuse Voluntary Annexation. This section also provides a five-year summary of the expenditures compared with the revenues.

A. REVENUES

Property taxes are the main source of revenue to be received from the United Refuse Voluntary Annexation area. Property taxes are computed from the gross amount of assessed valuation in the area and can be obtained from the Office of the Wayne Township Assessor. The formula for computing tax revenue is shown in the following table:

Table 2

TAX REVENUE FORMULA

$$\frac{V}{100} (T) = TR$$

WHERE: V = Assessed Valuation
T = City Tax Rate
TR = Tax Return

The total assessed valuation of the United Refuse Voluntary Annexation area is currently \$281,930. Property tax can then be determined by applying the most current City tax rate available, \$2.2611 (1994 payable 1995 without Fire and Fire Pension), to this figure giving a total property tax revenue of \$6,630. Because the 1995 payable 1996 tax rate has not been released yet, this amount was inflated by 4.0 percent to more accurately reflect 1996 figures. Table 3 details the components of the 1994 payable 1995 tax rate. Continuing to use a 4.0 percent rate of inflation, the property tax revenue for 1998, the first year that taxes would be due in the United Refuse Voluntary Annexation area, would be \$7,171. A portion of this revenue would be supplied from the State Property Tax Relief Fund.

This annexation will enable the City to receive additional money from the Motor Vehicle Highway (MVH) and from the Local Roads and Streets (LR&S) funds. This is because these funds are allocated according to street miles. In 1995, the City received \$7,938 per street mile from the MVH Fund and \$2,421 from the LR&S Fund. This annexation will add .56 miles to the City's street system. Therefore, the City will receive an additional \$4,445 from MVH and an additional \$1,356 from LR&S because of the United Refuse Voluntary Annexation.

Table 3

TAXING DISTRICT RATE
(1994 payable 1995)

Corporation General	\$1.4916
Corporation Debt Service	.1976
Policemen Pension	.1819
Sanitary Officers Pension	.0135
Park General	.3602
Redevelopment General	.0158
Community Service	<u>.0005</u>
	\$2.2611

In addition to property taxes, the City receives revenues from the Community Development Block Grant, the Cigarette Tax, the County Option Income Tax (COIT), the County Economic Development Income Tax (CEDIT), and the Alcoholic Beverage Tax. Some of these grants and funds are based in part on the City's population. Since population is only one element of a very complex distribution formula, the direct contribution of the United Refuse Voluntary Annexation cannot be calculated.

B. EXPENDITURES

Expenditures which were reported in the section on Municipal Services are summarized in Table 4. Capital costs are one time expenditures, while operating costs are continuing expenses. Since the needs of the annexation area must be treated equally with the needs of other similar areas in Fort Wayne, capital improvement projects, such as construction of streets, curbs, and sidewalks, must follow routine city procedures which often require petitioning. On the following page, table 4 details the costs that will be incurred by each department upon the annexation of the United Refuse Area.

Table 4

EXPENDITURES

<u>DEPARTMENTS</u>	<u>CAPITAL COSTS</u>	<u>OPERATING COSTS</u>
Police Department	0	202
Fire Department	0	0
EMS	0	0
Solid Waste Disposal	0	0
Traffic Control	0	402
Streets	0	3,304
Parks	0	0
Water	0	0
Fire Hydrants	0	0
Sanitary Sewer	0	0
Storm Sewer	0	0
Street Lighting	0	0
Animal Control	0	0
Administrative Functions	<u>0</u>	<u>0</u>
TOTALS	\$ 0	\$ 3,908

C. FIVE YEAR SUMMARY

The Five Year Summary shows the projected expenditures compared with the tax revenues expected in the United Refuse Voluntary Annexation area for the first five years after it is incorporated into the City of Fort Wayne. The summary automatically includes for each of the five years a 4 percent inflation factor for capital expenditures and operating costs, and a 4 percent increase factor for City revenues.

Property tax revenue from the annexation area will not be collected until 1998. Assuming the area is annexed immediately following the sixty day remonstrance period, assessment will not occur until March of 1997, with revenues being collected in 1998. The City would be providing services for approximately seven months in 1996 and a full year in 1997 prior to taxes being collected in 1998. Since revenues will not be collected until 1998, the City will experience a loss of \$2,280 in 1996 for approximately 7 months of service and a gain of \$1,737 in 1997. On the following page, Table 5 details the revenues minus the expenses for the United Refuse area for a 5 year period.

Table 5

REVENUES MINUS EXPENSES

<u>YEAR</u>	<u>EXPENDITURES</u>	<u>PROPERTY TAX REVENUE</u>	<u>MVH & LR&S</u>	<u>BALANCE</u>
1996	\$ 2,280	\$	\$	\$ -2,280
1997	4,064		5,801	1,737
1998	4,227	7,171	5,801	8,745
1999	4,396	7,458	5,801	8,863
2000	<u>4,572</u>	<u>7,756</u>	<u>5,801</u>	<u>8,985</u>
	\$ 19,539	\$ 22,385	\$ 23,204	\$ 26,050

D. RECOMMENDATIONS

This Fiscal Plan, which meets the state law requirements that a fiscal plan be prepared, shows that the United Refuse Voluntary Annexation is in accordance with the applicable state statutes. Therefore, it is recommended that after the passage of the annexation ordinance and its approval by the Mayor, this area should be annexed by the City of Fort Wayne immediately after the sixty day remonstrance period.

